

19 April 2018

Agenda Item: 8

REPORT OF THE CORPORATE DIRECTOR, PLACE**THE NOTTINGHAMSHIRE COUNTY COUNCIL (BOWBRIDGE ROAD AND
EARP AVENUE, NEWARK ON TRENT) (PROHIBITION OF WAITING,
ENTRANCE CLEARWAYS AND RESIDENTS' CONTROLLED ZONE) TRAFFIC
REGULATION ORDER 2018 (3269)****CONSIDERATION OF OBJECTIONS****Purpose of the Report**

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

Information

2. Earp Avenue is located approximately 1km south-east of Newark town centre within a short walk of Newark Hospital. The western section of the road between its junctions with Hatton Gardens and Bowbridge Road are the focus of the proposed scheme. The northern side of this section of Earp Avenue comprises of mainly residential properties the majority of which do not have off-street parking. One commercial property, a cafe, operates at the western end of the road. The school frontage to Magnus C of E Academy is located on the southern side of the road.
3. The County Council has received complaints from residents on Earp Avenue regarding obstructive and intrusive parking. There are significant levels of parking demand in the area from users of Newark Hospital (including patients, staff and visitors), the school and other local businesses. As a result residents have experienced difficulty in finding parking spaces within a reasonable distance of their homes and have also experienced problems with driveways being obstructed by vehicles.
4. A parking survey has previously been undertaken which indicated high levels on non-residential daytime parking in the area. On 26 August 2017, all residents in the proposed Residents Parking Scheme (RPS) area were sent a questionnaire to determine levels of support for a RPS. In total 13 questionnaires were sent to residents with 8 returned, all of which supported the introduction of a scheme - this represents a 61% response rate and 100% of respondents in supports. 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 RPS.

5. In response to the results of the questionnaire, it is proposed to introduce a RPS on Earp Avenue. The scheme would cover the section of Earp Avenue between Bowbridge Road and Hatton Gardens and be in operation on Monday to Friday from 8am to 4.30pm. The proposed scheme would consist of two types of parking bays, these are:
 - Bays for Resident Permit Holders only (directly fronting the residential properties); and
 - Dual use bays – for Resident Permit Holders (at all times) and parking for anyone for up to 2 hours (generally opposite the properties and in areas not directly outside a property).
6. The choice of type of RPS is on a case by case basis taking into account factors such as street layout, type of intrusive parking, number of properties within the scheme and other non-residential parking demands. The type of scheme selected in this case uses marked bays and is considered suitable as there are residential properties only on one side and it provides the opportunity to provide limited waiting provision in the area whilst maintaining sufficient space and capacity for residents.
7. The statutory consultation and public advertisement of the proposals detailed on the attached drawing H/JAB/2518/02, was carried out between 23 October and 24 November 2017.

Objections Received

8. During the advertisement period, five responses were received, two of which supported the proposal or made comments including:
 - A request for a residents' parking scheme on Bowbridge Road;
 - A request that a residents' parking bay be extended over the respondent's vehicle dropped kerb.
9. The request for a new residents' parking scheme on Bowbridge Road will be considered by the County Council. The Earp Avenue scheme has been amended to include an extension to the residents' parking bay over the driveway of the resident requesting it. The amended proposal is detailed on the attached drawing H/JAB/2518/02/A. Three responses to the consultation are considered outstanding objections to the proposals.
10. Objection – Newark Town Council
Newark Town Council objected to the scheme on a number of points, these include:
 - Parking should only be allowed on one side of Earp Avenue (the opposite side to the residential properties) to avoid congestion;
 - Double yellow lines and No Loading signs should be implemented on Bowbridge Road to prevent any parking;
 - The single yellow line across the driveways to numbers 1, 9 and 10 Earp Avenue and 100 Hatton Gardens should be reviewed.
11. Response – Newark Town Council
It is considered that Earp Avenue is wide enough to have parking on both sides without causing undue congestion. The proposed double yellow lines will help to ensure that the junction with Bowbridge Road is kept clear of parked cars. No Waiting At Any Time (double yellow lines) are proposed around the junction of Bowbridge Road and Earp Avenue to ensure the junction is kept clear of parked vehicles and therefore able to operate efficiently and safely.

12. The request for further restrictions on Bowbridge Road, including a loading restriction, will be considered by the County Council for inclusion in a future programme. The single yellow lines across the driveways on Earp Avenue were added at the request of the residents concerned to prevent obstructive parking over their driveways. One resident has asked that the single yellow lines outside their property be replaced with a residents' parking bay and this amendment has been included in the scheme.
13. Objection – Café premises
An objection was made by the owner of the café business at 11 Earp Avenue. The respondent considers that the proposed scheme would have a significant adverse effect on their business and that deliveries were made throughout the day to the shop which will be impacted by the proposals. In addition, it has been requested that no restrictions should be implemented outside the shop and that this area of highway should be marked 'shop parking and delivery only'. As part of the implementation, the respondent stated that they required four parking permits for the scheme.
14. Response – Café premises
The proposed scheme has been designed to give a balance between residents parking and short-term parking for other road users. The scheme aims to reduce the number of all-day parking on Earp Avenue and give more parking opportunities for residents and visitors (including customers to the cafe). The proposals do not apply to loading and unloading, which can be carried out on any available part of Earp Avenue. It is not possible to allocate parking for specific users i.e. customers of No.11 within the extents of the public highway. The parking on this scheme is being controlled by the issuing of permits to eligible properties, this would include No.11. The shop would be able to buy 2 visitor permits (at £25 each per annum) which can be used on any vehicle; this is in line with standard procedures for commercial premises within controlled zones.
15. Objection – Resident
A respondent objected to the proposed scheme because it did not provide a resident parking bay outside their property near the junction of Hatton Gardens. They state that other properties on Earp Avenue will have resident only parking bays outside their properties and that their property should have the same facility.
16. Response – Resident
The respondent was advised that the proposed permit only parking bays are not intended for any specific resident but would be available to anyone with a valid parking permit. On the public highway it is not possible to allocate parking for specific users i.e. a particular property, so a residents' bay outside their property would not be for their exclusive use.
17. The proposed bay near the Hatton Garden junction will allow parking for both permit holders (any length of time) and 2-hour parking for non-permit holders. If the householder chooses to purchase a parking permit they will have an equal right to park in the resident only bays, or in the dual use bay directly outside their property for an unlimited period. The householder has off-street parking and, as with all highway users, can also park without a permit on any unrestricted part of the highway, such as Hatton Gardens.
18. There is always a balance to be achieved where a finite quantity of on-street parking exists and there is a number of demands on that space. The aim of the scheme is to provide a mixture of short-term parking for visitors to the area and for resident parking. All the proposed parking bays would be available for residents to park in for an unlimited period of time during the scheme's hours of operation. It is considered therefore that the proposals achieve a balance between competing demands for the highway and that all residents will have access

to parking within a reasonable distance of their home, when displaying the appropriate permit. Other properties within the scheme also have dual-use bays, rather than resident only bays, outside their properties.

Other Options Considered

19. Other options considered relate to the operational times of the residents parking scheme, which could have been either lesser or greater. The restrictions are considered a reasonable balance between retaining public access to the highway and ensuring residents' reasonable access to parking.

Comments from Local Members

20. No formal response has been received.

Reasons for Recommendation/s

21. 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' reasonable access to on-street parking.

Statutory and Policy Implications

22. 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 NHS Constitution (public health services), 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

23. Nottinghamshire Police made no comments during the consultation. No additional crime or disorder implications are envisaged.

Financial Implications

24. This scheme is being funded through the Local Transport Plan ITM budget for 2017/18 with an estimated cost to implement the works and traffic order of £5,000.

Human Rights Implications

25. 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

26. 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.
27. 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

28. 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.

Implications for Sustainability and the Environment

29. 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 (Bowbridge Road and Earp Avenue, Newark on Trent) (Prohibition of Waiting, Entrance Clearways and Residents' Controlled Zone) Traffic Regulation Order 2018 (3269) is made as advertised is made with the following amendment and objectors notified accordingly.
 - Extend the 'residents only' parking bay, within the controlled zone, on north-eastern side of Earp Avenue by 7m as detailed on drawing H/JAB/2518/02/A.

Adrian Smith
Corporate Director, Place

For any enquiries about this report please contact:

Helen North (Improvements Manager) 0115 977 2087 / Mike Barnett - Team Manager (Major Projects and Improvements) 0115 9773118

Constitutional Comments [SLB 23/03/2018]

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

Financial Comments [RWK 22/03/2018]

31. The financial implications are set out in paragraph 24.

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

Ward(s): Newark West
County Councillor Keith Girling