

Barnsley Metropolitan Borough Council

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director,
Place

DONCASTER ROAD, GOLDTHORPE **CHANGES TO VARIOUS WAITING/LOADING RESTRICTIONS** **OBJECTION REPORT**

1. Purpose of Report

- 1.1** The purpose of this report is to consider an objection received to the proposal to introduce a Traffic Regulation Order (TRO) necessary to change various waiting and loading restrictions and other traffic movements at Doncaster Road and its associated side streets, as detailed in appendix 1.
- 1.2** To seek approval to implement the proposals originally advertised, as shown in Appendix 1.

2. Recommendation

It is recommended that:

- 2.1** **The objection received to the proposals is overruled and the objector is informed accordingly.**
- 2.2** **The Head of Highways, Engineering and Transport and The Director of Legal and Governance be authorised to make and implement the Traffic Regulation Order.**

3. Introduction/Background

- 3.1** In July 2015, construction began on a new Primary School for Goldthorpe, on the former residential site at Central Street.
- 3.2** As part of planning approval, it was conditioned that new waiting/loading restrictions would be required in the surrounding areas, in order to ensure the safety of children travelling to school, and to ensure the free flow of traffic.
- 3.3** A comprehensive survey of the area has been carried out and it has been determined that the protection of adjacent residential streets was insufficient for the predicted traffic flows, and that junction protection would be required.
- 3.4** In addition, the survey also highlighted the need to amend current vehicular movement restrictions, in order to ensure the anticipated traffic volumes continue to flow freely and accommodate the new development.

- 3.5** This is also an opportunity to review the existing traffic restrictions in the area. Some anomalies have been identified between the restrictions that are marked on the ground and the detailed descriptions in the formal Traffic Regulation Order. It is therefore proposed to bring the orders in line with the marked restrictions. There are some waiting restrictions on Beaver Street, Victoria Street and Co-operative Street that are no longer considered appropriate and they will be deleted from the Traffic Regulation Order.
- 3.6** In May 2016 a Traffic Regulation Order to introduce the restrictions was advertised for a period of three weeks, and one objection has been received. Officers have consulted with the objector to discuss his concerns but it has not been possible to reach an agreement.

4. Consideration of Alternative Proposals

- 4.1** Option 1 – Overrule the objection and proceed with the proposals as shown in Appendix 1 (**recommended option**).
- 4.2** Option 2 – Alter the proposals to accommodate the objector. This option is not recommended as it does not address the potential vehicular conflicts identified in the report which the proposals aim to reduce.

5. Proposal and Justification

- 5.1** Due regard has been given to the duty imposed on the Council to exercise the functions conferred on it by the Road Traffic Regulation Act 1984 so as to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (section 122 Road Traffic Regulation Act 1984).
- 5.2** To revoke the orders on Central Street as it is now stopped up.
- 5.3** To revoke the existing prohibition of waiting (8 am to 6pm, Monday to Saturday) from Beaver Street, Co-operative Street and Victoria Road as this restriction is no longer appropriate.
- 5.4** It is proposed to introduce loading and waiting restrictions to Doncaster Road from Lockwood Road to Hamilton Road.
- 5.5** The existing area to the front of 52 Doncaster Road has been used as an informal layby; however it was not designed as such and is not wide enough for parked vehicles, thereby causing an obstruction to the free flow of traffic. Vehicles parked there cause a visual obstruction to those exiting Beaver Street, and as such the junction protection needs to be extended. To further ensure the free flow of traffic during the day it is proposed to introduce a waiting and loading restriction from 8 am to 5 pm, Monday to Friday.
- 5.6** Due to the location of the new entrance off East Street, it is necessary to reverse the current one way restriction on Main Street between Lockwood

Road and West Street.

5.7 Whilst the restrictions marked in grey as shown on the plan at appendix 1 will not physically change on site, the orders underpinning them require some alterations to that they accurately reflect what is existing on site.

6.0 **Objections**

6.1 As a result of advertising the proposals, 1 objection was received. The main issue raised was the availability of on-street parking for customers to the complainant's business as detailed in appendix 2.

7.0 **Impact on Local People**

7.1 Some residents and businesses may be affected by not being able to park directly outside their property. However, there is no right to be able to park on the public highway, and alternative on-street parking is available elsewhere.

8.0 **Compatibility with European Convention on Human Rights**

8.1 There is not considered to be any potential interference with European Convention on Human Rights as the proposals aim to create a safer environment and prevent indiscriminate parking.

9.0 **Promoting Equality, Diversity and Social Inclusion**

9.1 There are no equality, diversity or social inclusion issues associated with the proposals.

10.0 **Reduction of Crime and Disorder**

10.1 In investigating the options set out in this report, the Council's duties under Section 17 of the Crime and Disorder Act have been considered.

10.2 There are no crime and disorder implications associated with the proposals.

11.0 **Conservation of Biodiversity**

11.1 There are no conservation of biodiversity issues associated with the proposals.

12.0 **Risk Management Issues including Health and Safety**

12.1

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	Issues relating to potential interference with the Human Rights Act are fully explained and dealt with in Section 8 of this report. Any considerations of impacts have to be balanced with the rights that the Council has to provide a safe highway for people to use. The	Medium

	Director of Legal and Governance has developed a sequential test to consider the effects of the Human Rights Act which are followed.	
2. Legal challenge to the decision to make the TRO.	The procedure to be followed in the publication and making of TRO's are set down in statute, which provides a 6 weeks period following the making of an order in which a challenge can be made in the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Medium
3. Deterioration of health and safety	Health and Safety is considered throughout the design/installation and maintenance process to minimise any potential occurrence. The proposals have been designed to improve road safety by protecting junction visibility sight lines for traffic emerging from side roads and improve visibility for and of pedestrians crossing Racecommon Road.	Low

13.0 Financial Implications

- 13.1** There are new financial complications associated with the objection report. The costs of advertising, legal fees, road markings and signs in connection with the TRO are estimated at £5000 and are being funded by the developer.

14.0 Employee Implications

- 14.1** Existing employees in the Highways, Engineering and Transport Service will undertake all design, consultation and implementation work. The Director of Legal and Governance will undertake all legal work associated with the advertising and making of the TRO.

15.0 Glossary

- TRO – Traffic Regulation Order

16.0 List of Appendices

- Appendix 1 – Plan showing the proposals - TR/3790/Appendix 1
- Appendix 2 – Summary of Objections to the Proposals

17.0 Background Papers

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Date: July 2016

Annex A

DONCASTER ROAD, GOLDTHORPE CHANGES TO VARIOUS WAITING/LOADING AND MOVEMENT RESTRICTIONS OBJECTION REPORT

a. Financial Implications

The financial Implications for the proposals are detailed in Paragraph 13.

b. Employee Implications

Employees in the Highways, Engineering and Transport Service will undertake all design, consultation and implementation work. The Director of Legal and Governance will undertake all legal work associated with the advertising and making of the TRO.

c. Legal Implications

The proposal requires the advertisement of the TRO, which can be objected to and challenged if procedures are not adhered to, as detailed in Paragraph 12.

d. Policy Implications

The proposal promotes the Council's policies in respect of road safety and danger reduction.

e. ICT Implications

There are no ICT implications associated with the proposals.

f. Local Members

Consultations took place with the Dearne North Ward Members and no adverse comments were received. There is no Parish Council to consult.

g. Health and Safety Considerations

The proposal is designed to promote road safety.

h. Property Implications

There are no property implication issues associated with the proposals.

i. Implications for Other Services

There are no significant implications for other BMBC services arising from the recommendations in the report. The Director of Legal and Governance will undertake all legal work associated with the advertisement and making of the TRO.

j. Implications for Service Users

There are no service user implication issues associated with the proposals.

k. Communications Implications

There are no communications implication issues associated with the proposals.

DONCASTER ROAD, GOLDTHORPE

CHANGES TO VARIOUS WAITING/LOADING AND MOVEMENT RESTRICTIONS

OBJECTION REPORT

Appendix 2

Summary of Objections

Nature of Objection

1 number business owner has objected to the introduction of limited waiting and loading restrictions outside his premises which run along 54 – 72 Doncaster Road. He was concerned that the proposals will remove parking during business hours, and that loading would be more difficult.

BMBC Response:

1. As part of the proposals, new time limited waiting bays will be introduced opposite the business. These will ensure a turnover of vehicles and available spaces for customers.
2. Parking has been removed from areas where vehicles are likely to cause a road safety hazard. At this location, parked vehicles could prevent the two-way flow of traffic on Doncaster Road.
3. Loading will be possible outside the 8am – 6pm restriction, whilst the bays to the east will remain unrestricted. Other loading bays are available nearby.