

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

CHAPEL FIELD LANE AND HIGH STREET AREA, PENISTONE

PROPOSED WAITING RESTRICTIONS

1. Purpose of Report

- 1.1 The purpose of this report is to consider the objections received to the proposal to introduce a Traffic Regulation Order (TRO) necessary to implement a prohibition of waiting at any time at Chapel Field Lane, High Street, Green Road and the 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 objections received to the proposals are overruled and the objectors informed accordingly.**
- 2.2 **The Head of Highways, Engineering and Transportation and the Director of Legal and Governance be authorised to make and implement the Traffic Regulation Order.**

3. Introduction/Background

- 3.1 Chapel Field Lane, Penistone currently forms part of the 21 and 21a bus route from Penistone to Barnsley. It has been observed that this service is regularly unable to pass along Chapel Field Lane due to parked vehicles. During school opening and closing times, it has been observed that indiscriminate parking causes road safety problems for parents/carers and children travelling to and from St. John the Baptist primary school.
- 3.2 At the junction of High Street and Green Road, the redevelopment of the old saw mill has led to junction improvements to improve road safety. Unfortunately, vehicles park in the sight lines which, combined with the steep gradient of Green Road, makes the existing junction difficult to negotiate.

- 3.3 At school opening and closing times it has been observed that visibility at the junction of Clarel Street / High Street is impaired, and the free flow of traffic on Broomfield Walk is restricted by indiscriminate parking.
- 3.4 Following a site survey and discussions with Penistone West Ward Members, it has been identified that junction protection is required at the above locations. Additionally, it was agreed that further junction protection to Ward Street and Unwin Street would increase visibility and improve road safety in the vicinity of St. John the Baptist Junior School on High Street.
- 3.5 A scheme to introduce waiting restrictions has been designed in consultation with the Penistone West Ward Members, which will take into account the future expansion of the school.
- 3.6 A Traffic Regulation Order (TRO) to introduce the proposed waiting restrictions received officer delegated approval on 19/09/16 and was advertised between 21/10/16 and 14/11/16.

4. **Consideration of Alternative Proposals**

- 4.1 Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 1 (**recommended option**).
- 4.2 Option 2 – Amend the proposals to accommodate the objections. This option is not recommended as it will cause the cost of the proposed TRO to escalate and exceed the allotted budget.

5. **Proposal and Justification**

It is proposed:

- 5.2 To introduce a 'prohibition of waiting at any time' to the junction of Chapel Field Lane/Broomfield Walk, Chapel Field Lane/Clarel Street, Clarel Street/High Street, Green Road/High Street, Unwin Street/High Street and Ward Street/High Street to enable the free flow of traffic and protect junction visibility sightlines.
- 5.3 To introduce a 'prohibition of waiting at any time' between Ward Street and Unwin Street to improve the free flow of traffic.
- 5.4 To introduce a 'prohibition of waiting at any time' to the south eastern kerb line of Broomfield Walk to enable the free flow of traffic.

6.0 **Objections**

- 6.1 As a result of advertising the proposals, 13 objections were received. The main issue raised was obstructive vehicles parked at the exits of The Green, which lie outside the scope of the proposed works. The objections are detailed at appendix 2.

7.0 Impact on Local People

7.1 A small number of residents may be affected by not being able to park directly outside their property. However, there is no legal 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 Road Traffic Regulation Act (1984)

11.1 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).

12.0 Conservation of Biodiversity

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

13.0 Risk Management Issues including Health and Safety

13.1

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 Director of Legal and Governance has developed a sequential test to consider	Medium

	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 week 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 Chapel Field Lane, High Street, Green Road and the associated side streets.	Low

14.0 Financial Implications

14.1 There are no new financial implications associated with the objection report. The costs of advertising, legal fees, road markings and signs in connection with the TRO are estimated at £4000 and are being funded by the Penistone West Ward Members.

15.0 Employee Implications

15.1 Existing employees in the Highways, Engineering and Transportation 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.

16.0 Glossary

- TRO – Traffic Regulation Order

17.0 List of Appendices

- Appendix 1 – Plan showing the proposals - TR/3863/Appendix 1
- Appendix 2 – Summary of Objections to the Proposals
- Appendix 3 – Plan showing bus turning manoeuvres – TR/3863/Appendix3A and TR/3683/AppendixB

18.0 Background Papers

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Annex A

CHAPEL FIELD LANE AND HIGH STREET AREA, PENISTONE **PROPOSED WAITING RESTRICTIONS**

a. Financial Implications

The financial Implications for the proposals are detailed in Paragraph 14.

b. Employee Implications

Employees in the Highways, Engineering and Transportation 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 13.

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 Penistone West Ward Members and no adverse comments were received. Additionally, a meeting was held with Penistone West and East Ward Members following the objection period at which the preferred course of action was agreed.

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.

CHAPEL FIELD LANE AND HIGH STREET AREA, PENISTONE

PROPOSED WAITING RESTRICTIONS

OBJECTION REPORT

Appendix 2

Summary of Objections

Nature of Objection

9 number residents objected to the scheme as a whole, as they requested the scope of works be extended to include the junctions of The Green / Mortimer Road and Green Road / The Green, to alleviate an existing parking issue.

BMBC Response:

1. The aforementioned junctions lie outside the scope of works for this project.
2. The scheme is being funded by the Penistone West ward members from their devolved ward budget. Additional funding to accommodate the extra works is not available.
3. The Penistone West ward members have agreed that if the junctions continue to be a cause of concern for residents, they will consider this as a future ward priority scheme.

Nature of Objection

2 number residents objected to the restrictions on High Street, which terminate in front of 97 High Street. They feel that the reduction in on street parking will adversely affect their properties.

BMBC Response:

1. The opportunity to park has been removed from areas which may impact on large vehicles entering/exiting the junction of Clarel Street/High Street, as shown at Appendix 3. As such, the proposed restrictions are necessary for vehicle movement.
2. The restrictions are not directly outside the properties of the objectors, and the amount of displaced traffic will number only a small number of vehicles.

Nature of Objection

1 number resident objected to the scheme on the basis that the lines opposite the junction of Chapel Field Lane / Clarel Street were unnecessary, and would impact on her property by preventing trades people and delivery drivers from parking. Objector requested time limited restrictions.

BMBC Response:

1. Loading would still be permitted outside the objector's residence. The property of the objector has off street parking, and additional on street parking is available nearby.
2. Time limited waiting restrictions were not considered as this is a junction, and removing parking at all times was the principal aim of these restrictions.
3. The restrictions were necessary to allow the bus service to safely negotiate the junction.

Nature of Objection

1 number resident objected to the scheme on the basis that additional waiting restrictions should be placed on Chapel Field Lane, outside properties 21, 23 and 25, as their driveways are often blocked by vehicles at school opening and closing times.

BMBC Response:

1. The complaint appears to be one of obstruction, which can be dealt with by the use of an 'H marking', or by contacting South Yorkshire Police.
2. During the design of the scheme, the displacement of parked vehicles was considered, and such a length of restrictions would displace a large number of vehicles, which could cause issues further along Chapel Field Lane.
3. The scheme is being funded by the Penistone West ward members from their devolved ward budget. Additional funding to accommodate the extra works is not available.