

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, Kingsmark Way, Nora Street & St Mary's Road, Goldthorpe – Amendment to existing restrictions

Objection Report

1. Purpose of Report

- 1.1** The purpose of this report is to consider the objections to implement a Traffic Regulation Order (TRO) to amend the existing waiting restrictions on Doncaster Road, Kingsmark Way, Nora Street and St Mary's Road, Goldthorpe. The purpose of the proposed TRO is to accommodate a new residential development that is currently under construction.
- 1.2** To request permission 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 are informed accordingly.
- 2.2** The Interim Head of Highways, Engineering and Transportation and The Executive Director of Core Services be authorised to make and implement the Traffic Regulation Order.

3. Introduction/Background

- 3.1** The planning application has been approved and the construction of a residential estate off Kingsmark Way, Goldthorpe is underway. As part of the development, a new kerb line at the junction of Kingsmark Way and Doncaster Road is being constructed as well as a new traffic island on Doncaster Road. The existing 'no waiting at any time' restrictions at the junction of Doncaster Road and Kingsmark Way need to be extended to accommodate these improvements. In addition, the existing waiting restrictions on Doncaster Road, Nora Street and St Mary's Road are being re-evaluated.
- 3.2** The existing waiting restrictions in the area are outdated and no longer reflect the current situation. Since the bypass to Goldthorpe (A635) was constructed, Doncaster Road is no longer the main route to Doncaster. It is proposed to revoke part of the existing restrictions and introduce new restrictions to accommodate the residential development.

- 3.3** The existing 'prohibition of waiting' regulations on Doncaster Road are covered by a TRO. However, the markings on site have faded considerably over the years and have not been refreshed. This has resulted in motorists taking the opportunity to park on Doncaster Road without incurring a penalty charge notice.
- 3.4** A TRO to introduce the proposed waiting restrictions received officer delegated approval on the 16th December 2016 and was advertised from the 20th of January 2017 to the 13th of February 2017.
- 3.5** During the consultation period, 3 letters of objection were received. An additional signature and address of an objector was also incorporated onto one of the letters.

4. Consideration of Alternative Proposals

- 4.1** Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 1. **This is the preferred option.**
- 4.2** Option 2 – Decline to introduce the proposals. This option is not recommended for the following reasons:
- It does not comply with the planning conditions for the development;
 - It does not allow the update of the existing restrictions currently in place to reflect the current situation;
 - It will not ensure the free flow of traffic on Doncaster Road, which will cause problems around the traffic island that is being installed.

5. Proposal and Justification

- 5.1** The proposal is to introduce restrictions as shown on the plan in Appendix 1. In summary, it is proposed to:
- Remove a section of the existing waiting restrictions covered by a TRO on Doncaster Road that prohibit motorists from waiting Monday-Saturday 8am - 6pm, as well as a section of 'no waiting at any time' on Doncaster Road. These proposals no longer reflect the current situation, and will benefit residents in terms of available on-highway parking, without the risk of incurring a penalty charge notice;
 - Reduce an existing section of 'no waiting at any time' on the western side of St Mary's Road, and introduce 'no waiting at any time' on both sides of St Mary's Road at its junction with Doncaster Road. This will ensure more available on-highway parking space, whilst ensuring junction protection is still maintained;
 - Extend the existing 'no waiting at any time' restriction at the junction of Doncaster Road and Nora Street, to ensure junction protection and visibility;
 - Extend the existing 'no waiting at any time' restriction at the junction of Doncaster Road and Kingsmark Way to accommodate the new kerb line and maintain junction protection;
 - Upgrade the existing 'no waiting Monday-Saturday 8am-6pm' on both sides of

Doncaster Road to 'no waiting at any time' to protect the new traffic island and ensure a free flow of traffic is maintained at all times.

- 5.2 The Local Ward Members, Area Council Manager and Emergency Services have been consulted and no formal objections have been received to the proposals.

6.0 Objections

- 6.1 As a result of advertising the proposals 3 objection letters have been received. The main concerns raised are listed below along with BMBC's response.

- The restrictions will prevent relatives from parking outside the objectors property therefore preventing assistance for the objector should they be taken ill (the objector has informed the Council they are registered disabled)

BMBC response: Blue badge holders are permitted to park on double yellow lines, for a period of up to 3 hours, providing they are not causing an obstruction.

No individual has any legal right to park on the public highway outside their property. Essentially the purpose of the public highway is facilitate the passage of traffic and should not be relied up as a parking area.

- If motorists parked their vehicle on the double yellow lines (displaying their blue badge) they would have to relocate their vehicle every three hours, in accordance with the blue badge regulations.

BMBC response: Blue badge holders would be required to move their vehicle after 3 hours to prevent the possibility of being issued with a penalty charge notice. The existing restrictions on St Mary's Road are being reduced to 10 metres of junction protection. This will mean more available space on the highway for parking. Nora Street will remain unrestricted apart from 10 metres of junction protection. One objector confirmed they have access to a garage to the rear of the property.

- The proposals have prevented the sale of a property due to the loss of on-street parking.

BMBC response: Home owners do not have the legal right to park on the public highway outside their property. The public highway is under the responsibility of the local authority and it should not be expected that on-highway parking space will be available. Properties that do not benefit from off-highway parking should not be advertised with on-highway parking being available (for the reasons mentioned above); however, responsibility falls with the prospective buyer and their conveyancer to undertake any necessary checks associated with the property buying process.

- Residents have had no notification or consultation regarding the proposals

BMBC response: A public notice was published in the Barnsley Chronicle on Friday 20th January 2017. In addition notices were installed on lamp columns on the affected lengths of road from the 20th of January 2017 to the 13th February 2017. The Council is not legally

obliged to consult with individual properties, and it is not standard practice to do so.

- The developer has installed the traffic island for their own benefit. If traffic needs to slow down speed cameras should have been fitted. This could have been done without upset to any of the residents on Doncaster Road.

BMBC response: The traffic island will help aid pedestrians to cross the road. Planning conditions stipulated the island be installed. The proposals have not been designed specifically to slow down traffic.

7.0 Impact on Local People

- 7.1 The proposals are likely to benefit the majority of residents on a section of Doncaster Road as there will be more unrestricted on-highway parking available. The new properties being developed on Kingsmark Way will be unaffected by the proposals.
- 7.2 There are a small number of residents who may be affected by the 'no waiting at any time' restriction that is being proposed for junction protection and to protect the new traffic island on Doncaster Road.

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.

Road Traffic Regulation Act 1984

- 11.0 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 Executive Director of Core Services has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Medium
2. Legal challenge to the decision to make the TRO.	The procedure to be followed in the publication and making of TROs 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.	Low

14.0 Financial Implications

- 14.1** The costs of advertising and legal fees associated with the TRO are estimated at £5000 and are being funded by the developer.

15.0 Employee Implications

- 15.1** Existing employees in the Highways, Engineering and Transportation Service will undertake all design, consultation and implementation work. The Executive Director of Core Services 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 proposals

18.0 Background Papers

18.1 None

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Date: 28th March 2017

Annex A

Doncaster Road, Kingsmark Way, Nora Street & St Mary's Road, Goldthorpe – Amendment to existing restrictions

Objection Report

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 Executive Director of Core Services will undertake all legal work associated with the advertising and making of the TRO.

c. Legal Implications

A challenge can be made 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

Local ward members have been informed of the proposals and no formal objections have been received.

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 Executive Director of Core Services 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.