

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

Church Lane, Haigh Lane Hoylandswaine - Introduction of Prohibition of Waiting at Any Time

Objection Report

1. Purpose of Report

- 1.1 The purpose of this report is to consider the objections to introduce a prohibition of waiting at any time restriction on parts of Church Lane and Haigh Lane, Hoylandswaine.
- 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 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 Planning permission has been approved to construct 67 dwellings on land off Church Lane, Hoylandswaine. Planning conditions stipulate that the developer should seek to introduce measures to control parking at the junction of Church Lane and Haigh Lane and the northern side of Church lane.
- 3.2 A Traffic Regulation Order (TRO) to introduce the proposed waiting restrictions received officer delegated approval on 9th October 2015 and was advertised from the 27th of November 2015, to the 21st December 2015.
- 3.3 During the consultation period, 1 objection was received. 1 objection was received in January, outside the consultation period; however it has been allowed to be presented as an objection.

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 – Decline to introduce the proposals. This option is not recommended for the following reasons:

- It does not comply with the planning conditions
- It does not address concerns regarding visibility at the junction of Church Lane and Haigh Lane
- It will not ensure the free flow of traffic on Church Lane.

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:

- Implement sections of no waiting at any time restrictions on the northern side of Church Lane, and at its junction with Haigh Lane.

5.2 The Local Ward Members, Area Council Manager and Emergency Services have been consulted and no formal objections have been received. Councillor Barnard raised concerns that the proposals will affect the users of the church, particularly when funerals are taking place. He confirmed he did not wish to place a formal objection, but for his comments to be noted.

5.3 The proposal is justified on the basis that the volume of traffic using Church Lane will increase due to the construction of 67 dwellings. The priority is to keep the highway network flowing. Allowing parking on both sides of Church Lane will cause obstruction to the free flow of traffic. Protecting the junction of Church Lane and Haigh Lane will ensure visibility for motorists exiting Church Lane. On highway parking will still be available on Haigh Lane and the southern side of Church Lane.

6.0 Objections

6.1 As a result of advertising the proposals 2 objections have been received. The main concerns raised in the objections have been categorised and are shown, along with BMBC comments, in Appendix 2. Both the objections focused on the removal of on street parking around the Church and the impact of displaced parking.

7.0 Impact on Local People

7.1 All existing dwellings on Church Lane have off street parking and as such the proposals should not impact heavily on the residents. The new dwellings will all benefit from off street parking. In addition, as part of the new development the developer is to provide 11 parking spaces for use by the church and the primary school. The developer is also contributing a significant sum of money to provide dedicated staff parking for the primary school. This is designed to reduce the demand for on highway parking.

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 Director of Legal and Governance 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 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 The costs of advertising, legal fees and road markings in connection with the Traffic Regulation Order are estimated at £4,000 and are being funded by the developer, Barratt Homes.

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
- Appendix 2 – Summary of objections to the proposals

17.0 Background Papers

17.1 None

Officer Contact: Orla O'Carroll

Telephone No: 772028

Date: April 1st 2016

Annex A

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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 have taken place with the Penistone East Ward Members. One comment was received from Councillor Barnard, but no formal objections 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.

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Objection Report

Appendix 2
Summary of Objections

Nature of Objection
The proposals will reduce parking for visitors to St John the Evangelist Church, concerns raised particularly when funerals, weddings and christenings are taking place.
BMBC Response: <ol style="list-style-type: none">1. The proposals are intended to ensure traffic can flow freely, without obstruction on Church Lane.2. The provision of a new car park with 11 parking spaces will help offset the removal of parking on the northern side of Church Lane.3. Parking will not be restricted on the Southern side of Church Lane.4. Parking enforcement officers have offered to place cones on the public highway in advance to a funeral taking place to ensure the hearse can park directly outside the church. The church is aware of this.5. The proposal is for a 'no waiting at any time' restriction which means loading and unloading is still permitted, therefore would not have an adverse effect when unloading and loading coffins for a funeral service

Nature of Objection
The proposals will displace school traffic onto Haigh Lane and Cross Lane. Prevent parking for visitors to the Church. The provision of 6 car parking spaces is not adequate and the spaces are likely to be filled by residents or visitors to the new properties.
BMBC Response: <ol style="list-style-type: none">1. Some displacement of vehicles is likely, however the proposals are considered necessary for the free flow of traffic and to ensure motorists have visibility when exiting Church Lane.2. The developer will provide 11 car parking spaces for use by the church and the primary school, not 6 as suggested by the objector. In addition the developer is also contributing a significant sum of money to provide dedicated staff parking for the primary school. This is designed to reduce the demand for on highway parking.3. All the new properties to be constructed will benefit from off street parking.