

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

Wellthorne Lane, Ingbirchworth - Introduction of Prohibition of Waiting at Any Time

Objection Report

1. Purpose of Report

- 1.1 The purpose of this report is to consider an objection to introduce a prohibition of waiting at any time restriction on parts of Wellthorne Lane, Ingbirchworth.
- 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 objection received to the proposal 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 Planning permission has been approved to construct 13 dwellings on land off Wellthorne Lane, Ingbirchworth. Planning conditions stipulate that the developer introduce parking restrictions to the site frontage.
- 3.2 A Traffic Regulation Order (TRO) to introduce the proposed waiting restrictions received officer delegated approval on 14th August 2014 and was advertised from the 26th of June 2015, to the 20th July 2015.
- 3.3 During the consultation period, 1 objection was received.

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 and indiscriminate parking on the bend as Wellthorne Lane turns into Annat Royd Lane.
- It will not protect the visibility splays when exiting the new housing development onto Wellthorne 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 southern side of Wellthorne Lane for 15 metres either side of the new development access road and a section on the bend as Wellthorne Lane turns into Annat Royd Lane for a distance of 30 metres.

5.2 The Local Ward Members, Area Council Manager and Emergency Services have been consulted and no formal objections have been received. The Parish Council commented that it supported the proposals on the bend as indiscriminate parking on and near the bend had blocked the road. They did also note that they could see the logic behind the remaining proposals to protect visibility but it would inevitably push some vehicles further down Wellthorne Lane and lead to parking outside the other houses. They did not wish to place any formal objection.

5.3 In justifying the proposal; the entrance to the new housing development affects an area that is currently used for visitors to the area, walkers and overspill parking for the nearby public house. The proposal is designed to protect the visibility splay to allow safe passage for vehicles exiting the development.

6.0 Objections

6.1 As a result of advertising the proposals 1 objection has been received. This was received from a resident of a nearby housing development on Wellthorne Lane. Quote: "I would like to object to this plan on the basis that people who visit the reservoir (for example to walk their dogs) have been parking there without any problems. I believe that this is intended to push all of the cars of such visitors up to the end of the road where I live and keep the road clear where the new more expensive houses will be. I think it is very unfair that one end of the road will be clear from vehicles and this will have a detrimental effect on outlook and access at the other end of Wellthorne Lane".

6.2 Several attempts have been made to contact the objector to discuss their concerns. All attempts have been unsuccessful.

6.3 Parking is only being prevented in areas where vehicles are likely to cause a hazard. The number of vehicles being displaced is minimal and they can be accommodated in the local area by on-street parking in less hazardous areas.

7.0 Impact on Local People

7.1 In the majority almost every dwelling that fronts onto Wellthorne Lane has off street parking, as such the proposals should not impact heavily on the residents. The new dwellings will all benefit from off street parking. The current 60 metre unsigned layby/carriageway widening can accommodate approximately 10 cars, with the formation of a new entrance and the provision of some visibility splay protection it leaves two bays one approximately 20 metres in length and the other approximately 15 metres in length, which equates to approximately 6 car spaces. This therefore equates to 4 cars being displaced to an alternate location.

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 There are no new financial implications associated with this objection report. The costs of advertising, legal fees in connection with the Traffic Regulation Order are estimated at £4,000 and are being funded by the developer, Keyland.

14.0 Employee Implications

14.1 Existing employees in the Environment 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

17.0 Background Papers

17.1 None

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Date: June 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 Environment 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 has been advertised and objected to, following procedures the TRO is now taken to Cabinet to decide whether to uphold the objection or disregard it and approve the TRO and duly inform the objector.

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

The Local Ward Members, Area Council Manager and Emergency Services have been consulted and no formal objections have been received. The Parish Council commented that it supported the proposals with some reservation.

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 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.