

## **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

### **BLYTHE STREET, WOMBWELL**

#### **INTRODUCTION OF WAITING RESTRICTIONS**

##### **OBJECTION REPORT**

#### **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 Blythe Street 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 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 In November 2015, planning permission was granted for a new development consisting of 43 properties on the site of the former Highfield Grange care home at Colewell Close, Wombwell.
- 3.2 As part of planning approval, it was conditioned that new waiting restrictions would be required at the junctions of John Street/Blythe Street and Main Street/Blythe Street, to prevent indiscriminate parking and improve visibility and manoeuvrability through the junction .
- 3.3 Following a site survey, it was determined that junction protection would also be required at Bartholomew Street and Myrtle Road, as otherwise displaced parking could create visibility issues at these junctions.

- 3.4 It was also identified that a minimum of junction protection would be of benefit to Highfield Court in anticipation of increased traffic to the new development.
- 3.5 A scheme to introduce waiting restrictions in Blythe Street/John Street and Blythe Street/Main Street has been designed to meet the condition of the planning consent.
- 3.6 A Traffic Regulation Order (TRO) to introduce the proposed waiting restrictions received officer delegated approval on 26/09/16, was advertised between 28/10/16 to 21/11/16 and attracted 10 objections from 10 residents.
- 3.7 During the consultation period the developer applied for a temporary TRO (TTRO) to introduce 'no waiting at any time' restrictions on Blythe Street/Main Street, Blythe Street/Bartholomew Street and each end of John Street in order to facilitate the access and egress of construction vehicles from the new development site, as shown at Appendix 3.
- 3.8 A temporary TRO does not require advanced notification, and as such several residents complained because this lining removed parking space outside their properties.
- 3.9 During the consultation period, the Traffic Group has attempted to ensure that the objections received are to the proposed permanent 'No waiting at any time' restriction, rather than the 'No waiting at any time' TTRO. The objections are shown at Appendix 2.

#### 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 objectors. This option is not recommended as it does not address the planning conditions identified in the report, and would also leave the junctions without sufficient protection.

#### 5. **Proposal and Justification**

- 5.1 It is proposed to add a prohibition of waiting (at any time) to the junction of Main Street/Blythe Street, Blythe Street/Myrtle Road, Blythe Street/Bartholomew Street, Blythe Street/John Street and Blythe Street/Highfield Court.
- 5.2 The proposal is justified on the basis that it removes indiscriminate parking from the affected streets, and improves visibility and road safety at the junctions.

#### 6.0 **Objections**

- 6.1 As a result of advertising the proposals, 10 objections were received. The main issue raised was the availability of on-street parking for residents as detailed in Appendix 2.

## **7.0 Impact on Local People**

- 7.1 Some residents 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.
- 7.2 The scheme has been designed to prevent indiscriminate parking close to road junctions, and this will have a positive impact on road safety.

## **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.
- 9.2 There are no dedicated disabled only parking facilities existing within the proposed scheme. Through the objection process, we have been notified of a blue badge permit holder on Myrtle Road. These facilities have been considered, but due to road safety concerns, the scheme cannot permit parking outside the residence. However, unrestricted on street parking is available in the immediate vicinity.

## **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.

## **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

<b>Risk</b>	<b>Mitigation/Outcome</b>	<b>Assessment</b>
<b>1. Challenge to the proposals because they infringe the Human Rights Act</b>	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
<b>2. Legal challenge to the decision to make the TRO.</b>	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
<b>3. Deterioration of health and safety</b>	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 Blythe Street and its 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 £5000 and are being funded by the developer, Gleeson Developments Ltd.

## **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/3790/Appendix 1
- Appendix 2 – Summary of Objections to the Proposals
- Appendix 3 – A plan of the temporary traffic restrictions installed during the construction of the new development.

## **18.0 Background Papers**

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## Annex A

### BLYTHE STREET, WOMBWELL INTRODUCTION OF WAITING 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 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 Wombwell 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.

**BLYTHE STREET, WOMBWELL**  
**INTRODUCTION OF WAITING RESTRICTIONS**

**OBJECTION REPORT**

**Appendix 2**

**Summary of Objections**

**Nature of Objection**

1 number resident has objected to the introduction of waiting restrictions outside their property which run along their frontage on Myrtle Road. She was concerned that the proposals will remove parking for her disabled husband, and that he would struggle to park elsewhere.

**BMBC Response:**

1. Parking has been removed from areas where vehicles are likely to cause a road safety hazard. At this location, parked vehicles could create visibility issues for vehicles entering and exiting the junction of Myrtle Road / Blythe Street.
2. Parking will be possible on the rest of Myrtle Road. The Highway Code states that cars should not park within 10 metres of a junction, which is the extent of the proposed lines. Unfortunately, no-one has the right to park outside their property.
3. Whilst the council appreciates the difficulties of the disabled, the restrictions are designed to prevent vehicles blocking the junction in the interests of road safety.
4. Alternative on-street parking is available within very close proximity of the objector's property.

**Nature of Objection**

9 number residents objected to the proposed restrictions as they would remove on street parking, and displace parked vehicles. All the objectors felt that the restrictions should be reduced.

**BMBC Response:**

1. Parking has been removed from the areas surrounding the junctions to improve road safety and to allow vehicles to enter/exit the streets easier.
2. The restrictions were designed to maximise parking, with junction protection on one way streets reduced to 5 metres.
3. Unfortunately, no-one has the legal right to park outside their home. The Council has a responsibility to ensure the free flow of traffic, which these restrictions are designed to achieve.