

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

Cundy Cross (Pontefract Road, Rotherham Road, Grange Lane, Littleworth Lane, Meadow View, Hawthorne Avenue, Moorland Court, Hazelwood Drive) – Proposed amendment to existing waiting restrictions and installation of new restrictions

Objection Report

1. Purpose of Report

- 1.1 The purpose of this report is to consider the objections which have been received in respect of previously published proposals to implement a Traffic Regulation Order (TRO) to amend and upgrade the existing waiting restrictions on parts of Pontefract Road, Rotherham Road, Grange Lane, Littleworth Lane and introduce new restrictions on the new link road (Meadow View), Hawthorne Avenue, Moorland Court and Hazelwood Drive as part of a highway improvement scheme.
- 1.2 To seek approval to overrule the objections and implement the restrictions as originally advertised.

2. Recommendation

It is recommended that:

- 2.1 **The objections received are overruled for the reasons set out in this report and the objectors are informed accordingly.**
- 2.2 **The Head of Highways and Engineering and The Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order (TRO) as originally published.**

3. Introduction/Background

- 3.1 On 16th December 2016 approval was given to publish a range of traffic restrictions on parts of Rotherham Road, Grange Lane and Littleworth Lane, Meadow View, Hawthorne Avenue, Moorland Court and Hazlewood Drive in connection with the new signalised junction at the former Cundy Cross roundabout and the new link road from Rotherham Road to Littleworth Lane. See officer delegated report attached at Appendix 1 and associated plans attached at Appendix 3A and 4.
- 3.2 The proposals were published in March 2017 and 9 objections were received. Since then, 1 objection has been withdrawn.
- 3.3 Whilst the objectors oppose the proposed TRO, their main concern is regarding the new link road between Rotherham Road and Littleworth Lane, known as Meadow View. They say the developer of the new housing estate did not inform them this road would link Rotherham Road and Littleworth Lane. They believe this was mis-

represented to them when they were purchasing the new properties. This is a private matter between the developer and the purchasers. This report focuses only on the objections relating to the proposed TRO.

After the proposals were first advertised it came to light that there was a discrepancy with the proposed restrictions on a section of Pontefract Road, Cundy Cross. The proposals included 'no waiting at any time' alongside a solid double white line system. These restrictions contradict each another. On 17th April 2018 approval was given to publish a further TRO to remove the conflicting restrictions. This was published in May 2018 and no objections were received. The officer delegated report is attached at Appendix 2 with associated plan attached at Appendix 3B.

- 3.4 As part of the Statement of Reasons for the initial published report dated March 2017 a paragraph referenced the new link road as forming part of the A628. This was an error; the link road will not form part of the A628.

4. Consideration of Objections

As a result of advertising the proposals there are 8 outstanding objections to consider. The main concerns raised are listed below along with the Head of Highways & Engineering's comments in response in **bold**.

- *(Location of objector: Meadow View)* The restrictions will prevent family and friends from parking outside their own property.

response: No individual has a 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.

- *(Location of objector: Meadow View)* When purchasing the property the objector was informed it was a "quiet family residential estate". The objector was not informed Meadow View would be "turned into a main busy road". The objector has concerns regarding the safety of their children when crossing the road to the only open space for the children to play. The objector believes the value of the property will "take a massive hit" as the proposed road is at the end of their garden.

response: The objector has been advised to contact the developer and a solicitor to discuss these concerns. The developer has always known that Meadow View would connect to Littleworth Lane and Rotherham Road.

- *(Location of objector: Hazelwood Drive)* The objector won't be able to park outside their own home, other than on the small drive. The proposals mean the objector will have no visitor parking and nowhere to load or unload. The property will de-value as a result of the link road. The objector strongly objects to the construction of the link road and any other associated works.

response: The proposals for Hazelwood Drive are to protect the junction from parked cars. This will ensure visibility is maintained at all times. 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. Loading is only prohibited during the peak traffic times only

(8-9.30am & 4.30-6pm). Outside these times loading is permitted. The objector has been advised to contact the developer and a solicitor regarding the construction of the link road.

- *(Location of objector: Hazelwood Drive)* Neither the developer nor the solicitor informed the objector there would be a link road through the estate. If the objector had known they would not have purchased the property. They believe the link road will be dangerous for school children due to the increase of traffic. The objector has three cars and a small drive and the TRO proposals will cause difficulties if they cannot park on the highway outside their property.

response: The objector has been advised to raise their concerns about the link road with the developer and their solicitor. The developer has always known that Meadow View would connect to Littleworth Lane and Rotherham Road. The proposals for Hazelwood Drive are to protect the junction from parked cars. This will ensure visibility is maintained at all times. 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.

- *(Location of objector: Hazelwood Drive)* The objector was not made aware that they would be living on a main road. They have concerns regarding the safety of the public, particularly young children. With regards to the proposed parking restrictions the objector was not made aware of these prior to purchasing the property and is unhappy about being unable to park outside their own home. It will have an impact on all the residents and visitors as there is no-where for them to park when visiting. The objector does not understand where there is a need for parking restrictions as they are not located in the middle of the town centre.

response: The objector has been advised to raise their concerns about the link road with the developer and their solicitor. The developer has always known that Meadow View would connect to Littleworth Lane and Rotherham Road. The proposals for Hazelwood Drive extend for 15 metres from its junction with Meadow View and have been proposed to protect the junction from parked cars. The restrictions will not run outside the frontage of the objector's property. The area outside the objector's property will remain unrestricted. Parking restrictions are required to ensure traffic can be free flowing as well as allowing the traffic signals to operate effectively.

- *(Location of objector: Meadow View)* When purchasing the property the objector was led to believe (by the developer) that Meadow View would be a no through road and not a main arterial route. The objector has concerns regarding the increase of noise Meadow View will bring as well as safety concerns. With regards to the TRO proposals the objector will eventually have 4 cars parked on the driveway and as such visitors will have nowhere to park. There will be nowhere for deliveries to unload. The objector considers the proposals are too strict and has requested permit parking.

response: The objector has been advised to raise their concerns about the link road with the developer and their solicitor. The developer has

always known that Meadow View would connect to Littleworth Lane and Rotherham Road. The proposals for Meadow View have been designed to ensure traffic can be free flowing as well as allowing the traffic signals to operate effectively. The restrictions prohibit loading/unloading from taking place during the peak traffic flow hours (8-9.30am & 4.30-6pm) outside these times loading is permitted. The Authority is no longer promoting residents only parking schemes.

- *(Location of objector: Pontefract Road)* The proposals will mean the objector's wife (who is registered disabled) will have to park her mobility vehicle 100 yards from their home which will further impede her right to mobility. If she parks on the double yellow lines with her blue badge she will have to move her vehicle every 3 hours. The loading restriction prevents blue badge holders from parking at the restricted loading times. The objector does not have any off street parking and would like an explanation of any provision the Council proposes to make to residents regarding their private vehicle parking and vehicle safety. The objector currently parks their vehicle on the wide footway and has done so for over 20 years. The objector is willing to share the cost of a driveway with the Council to ease the situation.

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. Blue badgers holders cannot park during the loading/unloading restriction times. 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. The Council have no responsibility to provide parking for residents. There will be a traffic signal detector loop located in the carriageway on the boundary of the objector's property. Parked vehicles on or near these loops affect the flow of traffic and prevent the signals efficiently detecting vehicle speeds or levels of congestion.

The Council does not have the finances to share the cost of a driveway with the objector. The objector has been advised to contact the Planning Department if they wish to install a driveway as planning permission is required.

- *(Location of objector: Meadow View)* The objector was not aware of the link road connecting Rotherham Road and Littleworth Lane and is unhappy they have not been individually consulted. The objector believed Meadow View would give access to the Meadow View estate only. They object to the proposed parking restrictions on Meadow View and Hazelwood Drive as they park their vehicle on these roads daily. The proposals will mean they, and their visitors will have nowhere to park.

response: The objector has been advised to raise their concerns about the link road with the developer and their solicitor. The developer has always known that Meadow View would connect to Littleworth Lane and Rotherham Road. The proposal notices on site relate to the TRO proposals only, and not to the construction of the link road. Each property on the development benefits from off street parking. 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.

5. **Proposal and Justification**

It is proposed to implement the TRO as originally advertised as shown on the Plan at Appendix 3, comprising:-

- Upgrading the existing waiting restrictions that are in place on parts of Rotherham Road, Grange Lane, and Littleworth Lane, and introduce new waiting and loading restrictions on the new link road (Meadow View) and parts of Hawthorne Avenue, Moorland Court and Hazelwood Drive. This is to ensure traffic can be free flowing as well as allowing the traffic signals to operate effectively;
- Introducing new (and in some places upgrade the existing) waiting and loading restrictions on each approach to the junctions to ensure that traffic signal detectors operate effectively. Parked vehicles severely hinder traffic signal detector loops;
- Introducing 'No waiting Monday-Saturday 8am-6pm' on Pontefract Road service road. This will ensure the area is kept free from parked vehicles, enabling service/delivery vehicles to access the service road. Loading and unloading is permitted at any time;
- Introducing prohibited turns, a one way direction of travel and no entries. These are required to ensure the motorists negotiate the new layout effectively and safely.

6. **Consideration of Alternative Proposals**

6.1 Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 3A and (as amended by the proposals in shown in Appendix 3B). **This is the preferred option.**

6.2 Option 2 – Decline to introduce the proposals. This option is not recommended for the following reasons:

- It will not enable the traffic signals to operate effectively;
- It will not prevent indiscriminate parking from occurring, which may affect the free flow of traffic;

7. **Impact on Local People**

7.1 The proposals may affect a number of residents, mainly on Pontefract Road, who do not have off-street parking. (See Appendix 4). Each property on the new development benefits from off street parking and additional visitor parking is provided in widened areas of highway.

8. **Financial Implications**

8.1 The financial implications remain the same as previously reported (identified in Appendix 1 and 2).

9. **Legal Implications**

9.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO.

9.2 In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it 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) and is satisfied the traffic restrictions proposed will achieve those objectives.

10. **Consultations**

10.1 No additional consultations are required, these having already been carried out at the publication stage.

11. **Risk Management Issues**

| Risk | Mitigation/Outcome | Assessment |
|---|--|-------------------|
| 1. Challenge to the proposals because they infringe the Human Rights Act | It is not considered the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services and Solicitor to the Council has developed a sequential test to consider the effects of the Human Rights Act which are followed. | Low |
| 2. Legal challenge to the decision to make the TRO. | The procedure to be followed in the making of TRO's is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an opportunity to challenge an order once it is made by way of application to 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. | Low |

12. **Compatibility with European Convention on Human Rights**

12. It is not considered the proposals have any potential interference with convention rights.

13. **List of Appendices**

- Appendix 1 – Officer Delegated report dated 12 December 2016
- Appendix 2 – Officer delegated report dated 17 April 2018
- Appendix 3A - Plan showing proposals for report dated December 2016

- Appendix 3B – Plan showing proposals for report dated April 2018
- Appendix 4 – Plan showing existing residential off street parking provisions

14. Background Papers

14.1 Traffic Team file

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