

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

BURLEIGH STREET, BARNSELY **CHANGES TO VARIOUS WAITING/LOADING RESTRICTIONS** **OBJECTION REPORT**

Objection Report

1. Purpose of Report

- 1.1 The purpose of this report is to consider the single objection received to the proposal to introduce new waiting restrictions and make amendments to the existing waiting restrictions as described in this report and shown in Appendix 1.
- 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 objection received is 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 9th April 2018 approval was given to publish a range of traffic restrictions on parts of Wood Street and Thomas Street, and Burleigh Street, Heelis Street, John Street and Joseph Street in connection with the new medical centre at the former Council car park on Burleigh Street. See officer delegated report attached at Appendix 1.
- 3.2 The proposals were published in May 2018 and one objection was received.

4. Consideration of Objections

As a result of advertising the proposals there is one outstanding objection to consider. The main concern raised is listed below along with the Head of Highways & Engineering's comments in response in **bold**.

- *(Location of objector: Skyline Apartments, Burleigh Street)* The restrictions will prevent the objector from parking outside their own property, forcing the objector to pay £10 per day in parking costs.

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. Additionally, the objector was informed on 4th June 2018 that Council car parks are available nearby which cost £3 for all day parking, Monday to Saturday. The objector elected not to withdraw their objection.

5. Proposal and Justification

It is proposed to implement the TRO as originally advertised as shown on the Plan at Appendix 1, comprising:-

- Introducing a 'prohibition of waiting and loading at any time' restriction on Thomas Street to ensure the junction is kept clear of parked vehicles and not obstructed by vehicles loading at the new premises on Upper New Street.
- Introducing new, (and in some places upgrade the existing), waiting restrictions to a 'prohibition of waiting at any time' on John Street, Heelis Street, Burleigh Street, Joseph Street and the junction of Heelis Street / Wood Street. This will ensure the area is kept free from parked vehicles, improving visibility at the junctions and the free flow of traffic.
- Amending the pay and display parking bays on Thomas Street and Burleigh Street from Monday to Friday, 8 am to 6 pm, to Monday to Saturday, 8 am to 6 pm, pay as you park. An additional bay is proposed on Burleigh Street. These proposals will increase on street parking facilities for Barnsley Town Centre.
- Introducing pay by phone parking bays on Heelis Street and Wood Street. These will increase on street parking facilities and avoid the need for new ticket machines.

6. Consideration of Alternative Proposals

- 6.1** Option 1 – Overrule the objection and proceed with the proposals as shown in Appendix 1. **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 new medical centre to fulfil its planning conditions;
 - It will not increase on street parking provision in the town centre
 - It will not prevent indiscriminate parking from occurring, which may affect the free flow of traffic and obscure visibility at junctions

7. Impact on Local People

- 7.1** The proposals may affect a number of residents, mainly on Burleigh Street, who have a limited number of parking spaces in the Skyline Apartments. However, there is no right to be able to park on the public highway and alternative off street parking is available. They will also prevent motorists from loading at the junction of Thomas Street / Upper New Street, but it is necessary to prevent such activity to ensure the free flow of traffic, especially around junctions and visibility splays.

- 7.2 The proposals are likely to have a positive impact on commuters and visitors to the medical centre as they will ensure the free flow of traffic through Burleigh Street and will protect the junctions of Heelis Street / Burleigh Street, Joesph Street / Heelis Street, Heelis Street / Wood Street and John Street / Burleigh Street.

The proposals will also allow visitors to use the on street pay and display bays for any length of time they choose Monday to Saturday (Monday to Friday for the proposed pay by phone bays), 8 am – 6 pm, rather than the current restriction of 2 hours, no return within 3 hours. Outside these times, parking is free.

8. **Financial Implications**

- 8.1 The financial implications remain the same as previously reported.

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 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	Low

	procedures the risk is minimal.	
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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 9 April 2018

14. Background Papers

14.1 Traffic Team file

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