

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

PARK ROAD, BARNSELEY – PROPOSED WAITING AND LOADING 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 introduce new restrictions on parts of Park Road, Tower Street, Castle Street, St. John's Road, Park Grove, Locke Avenue and Blenheim Road, Barnsley.
- 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** In December 2018 approval was given to publish traffic restrictions on parts of Park Road, Tower Street, Castle Street, St. John's Road, Park Grove, Locke Avenue and Blenheim Road. See officer delegated report attached at Appendix 1 and associated plan attached at Appendix 2.
- 3.2** The proposals were published in January 2019. 10 objections were received and 1 e-mail supporting the proposals. None of the objections have been withdrawn.
- 3.3** The objectors oppose the proposed TROs as they argue that it will prevent them from parking outside their property and one of the objectors also alleges that consultation was not carried out correctly

4. Consideration of Objections

As a result of advertising the proposals there are 10 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: Park Road) The objector initially supported the proposal but stated it was very difficult finding parking space near their home, allegedly due to visitor parking for Locke Park café and play area and a nearby restaurant and tea room premises. Proposed that the park access gate opposite should be permanently locked to encourage use of the car park off Keresforth Hall Road, that a residents' parking scheme should be implemented or that the Council should fund the conversion of residents' front gardens to driveways combined with vehicle crossings on the highway.

Response: No individual has a legal right to park on the public highway outside their property and it cannot be considered as a facility; nor is there any onus on the Council to provide parking space where none existed previously. The only way any individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property. The Council currently has no funding for new residents' parking schemes, nor to assist individuals with the costs of constructing drives / vehicle crossings. Waiting and loading restrictions are proposed as a solution to extraneous parking along the southern side of Park Road and at junctions, which obstructs visibility for drivers attempting to exit those junctions and impedes the operation of bus stops and the free flow of traffic along Park Road.

- (Location of objector: Park Road) The objector agrees that some form of parking restriction is needed on Park Road. Alleges that the majority of problems are caused by visitors to Locke Park, who park outside residents' homes or outside the park near the children's play area, rather than use the car park off Keresforth Hall Road, which makes it difficult for residents to park outside their homes or to receive deliveries. Requests a residents' parking scheme.

Response: The Council currently has no funding for new residents' parking schemes. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility, nor is there any onus on the Council to provide parking space on the highway. The only way any individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property. Waiting and loading restrictions are proposed as a solution to extraneous parking along the southern side of Park Road and at junctions, which obstructs visibility for drivers attempting to exit those junctions and impedes the operation of bus stops and the free flow of traffic along Park Road.

- (Location of objector: Park Road) The objector required clarification of the proposals rather than making a formal objection, but this has been considered as an objection for the purposes of this report. Asked whether residents would still be able to park outside their homes and if a residents' permit scheme would be introduced or would parking be completely prohibited on Park Road.

Response: Explained to the resident that waiting and loading restrictions were proposed for the southern side of Park Road and waiting restrictions on the junctions off the northern side; Castle Street, St. John's Road, Park Grove, Locke Avenue and Blenheim Road , to protect visibility requirements at those junctions. Residents will still be able to park on the unrestricted lengths of highway between the

junction markings, The Council currently has no funding for new residents' parking schemes.

- (Location of objector: Park Road): Objecting on behalf of relatives who have health problems and rely on their car for hospital appointments, etc. Considers the method of consultation inadequate – letters should have been posted to residents or meetings held. In addition, other relatives would not be able to visit as they would not be able to park outside the property and residents would not be able to maintain their properties as workmen would not be able to park outside either. Parking restrictions would also reduce the value of the properties.

Response: The objector has been informed of the Council's minimum standards for statutory consultation on TROs i.e. notices are published in the local press and erected on site. The property in question is not affected by the proposals and the highway in front of it remains unrestricted. Waiting and loading restrictions are proposed as a solution to the extraneous parking on the southern side of Park Road and at junctions with the side streets which obstructs visibility for drivers attempting to exit those side streets and impedes the operation of bus stops and the free flow of traffic along the road. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility. nor is there any onus on the Council to provide parking space on the highway. The only way any individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property.

- (Location of objector: Park Road): The objector considers the method of consultation inadequate. They object on behalf of relatives who have health problems as they will not be able to park outside the property to pick them up to take them for treatment. The proposals will be isolating elderly people and law-abiding residents will be penalised. Also carers will not be able to park, it will prevent deliveries being made and will bring down the value of the property.

Response: The objector has been informed of the Council's minimum standards for statutory consultation on TROs i.e. notices are published in the local press and erected on site. The property in question is not affected by the proposals and the highway in front of it remains unrestricted. Waiting and loading restrictions are proposed as a solution to the extraneous parking on the southern side of Park Road and at junctions with the side streets which obstructs visibility for drivers attempting to exit those side streets and impedes the operation of bus stops and the free flow of traffic along the road. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility. nor is there any onus on the Council to provide parking space on the highway. The only way an individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property.

- (Location of objector: Park Road) The objector required clarification of the proposals rather than making a formal objection, but this has been considered as an objection for the purposes of this report. Asked whether they would still be able to park outside their home.

Response: The objector has been advised that their property is unaffected by the proposals and the highway to the front of it remains unrestricted. Waiting and loading restrictions are proposed as a solution to extraneous parking on the southern side of Park Road and at junctions with side streets which obstructs visibility for drivers attempting to exit those side streets and impedes the operation of bus stops and the free flow of traffic along Park Road.

- (Location of objector: St. John's Road) The proposals will have a detrimental effect on residents of St. John's Road, where parking is already a problem, due to displaced vehicles from Park Road parking on St. John's Road. Takes issue with what they consider the lack of proper consultation with residents i.e. why was a letter not sent to all affected residents?

- **Response:** The objector has been informed of the Council's minimum standards for statutory consultation on TROs i.e. notices are published in the local press and erected on site. Waiting and loading restrictions are proposed as a solution to the extraneous parking on the southern side of Park Road and at junctions with the side streets which obstructs visibility for drivers attempting to exit those side streets and impedes the operation of bus stops and the free flow of traffic along the road. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility. nor is there any onus on the Council to provide parking space on the highway. The only way an individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property.

- (Location of objector: Park Road) The objector states that the proposals will greatly disrupt their life, as well as those of other residents, as they commute almost every day and have to carry everything they need out to the car. They also have an elderly relative, who struggles to walk and who visits regularly. Suggests a residents' permit scheme for properties on that particular section of Park Road.

Response: Waiting and loading restrictions are proposed as a solution to the extraneous parking on the southern side of Park Road and at junctions with side streets which obstructs visibility for drivers attempting to exit those side roads and impedes the operation of bus stops and the free flow of traffic along Park Road. The Council currently has no funding for residents' parking schemes. No individual has any legal right to park on the highway outside their property and it cannot be considered as a facility, nor is there any onus on the Council to provide parking space on the highway. The only way an individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property.

- (Location of objector: Park Road) The objector cites an inception-stage consultation in 2017 during which he made objections to the proposals, takes issue with the method of consultation on this occasion and does not deem it acceptable. The proposals will completely restrict parking to the front of their and their neighbours' properties, even to unload shopping and will severely affect their day-to-day life. In addition they have a relative who struggles to walk distances and regular visitors who will be inconvenienced. They agree that something should be done regarding parking in front of the park and suggest making Park Road a permit zone.

- **Response:** The objector has been advised that the initial consultation in 2017 was issued at inception stage to all potentially affected residents to gauge feasibility of the proposals. The Council received 4 objections at that time. The objector has been informed of the Council's minimum standards for statutory consultation on TROs i.e. notices are published in the local press, erected on site, can be viewed are available to view on the Council's website and at Central Library. Waiting and loading restrictions are proposed as a solution to the extraneous parking on the southern side of Park Road and at junctions with the side streets which obstructs visibility for drivers attempting to exit those side streets and impedes the operation of bus stops and the free flow of traffic along the road. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility. nor is there any onus on the Council to provide parking space on the highway. The only way an individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property. The Council currently has no funding for residents' parking schemes.
- (Location of objector: Park Road) The objector states that the proposals will have a massive impact on their family as they will be unable to park outside their property to load / unload the car, including their children. It will devalue their property, making it less desirable to potential buyers in the future. They allege that the parking issues are largely due to visitors to Locke Park therefore, imposing restrictions on the residents seems unfair and unjust. Suggest alternative proposals to alleviate parking issues e.g. expand the existing car park off Keresforth Hall Road, moving the start of the Park Runs closer to the car park to encourage participants to park there instead of on Park Road.
- **Response:** The objector has been advised that the initial consultation in 2017 was issued at inception stage to all potentially affected residents to gauge feasibility of the proposals. The Council received 4 objections at that time. The current phase is the legal statutory consultation on TROs and any unresolved objections will be reported to Cabinet for assessment and a final decision on implementation. Waiting and loading restrictions are proposed as a solution to the extraneous parking on the southern side of Park Road and at junctions with the side streets which obstructs visibility for drivers attempting to exit those side streets and impedes the operation of bus stops and the free flow of traffic along the road. Waiting and/or loading restrictions have been found to be the only effective solution to parking issues as enforcement can be carried out should the issues recur. There is no intention to prohibit parking along the northern side of Park Road, except at the junctions to protect sightlines. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility. nor is there any onus on the Council to provide parking space on the highway. The only way any individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property.

5. Proposal and Justification

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

- Introducing new waiting and loading restrictions on the southern/south western side of Park Road to prevent indiscriminate parking and protect visibility requirements at the junctions and improve the free flow of traffic along the road.
- Introducing 'No Waiting At Any Time' on the junctions of Park Road with Castle Street, St. John's Road, Park Grove, Locke Avenue and Blenheim Road. This will ensure the junctions are kept free from parked vehicles, protecting sightlines for drivers exiting those roads. Loading and unloading is permitted at any time;

6. Consideration of Alternative Proposals

- 6.1** Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 2. **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 prevent indiscriminate parking from occurring, which will obstruct visibility for drivers at the junctions and may affect the free flow of traffic;

7. Impact on Local People

- 7.1** The proposals may affect a small number of residents, mainly on Park Road, who do not have off-street parking. However, they can park further along Park Road or on side streets where there are no restrictions.

8. Financial Implications

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

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 20th December 2018
- Appendix 2 - Plan showing proposals for report dated 20th December 2018

14. Background Papers

14.1 Highway Design file

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