

**Record of Decision of the Head of Highways and Engineering for:**

**BLOEMFONTEIN STREET/BARNSLEY ROAD, CUDWORTH – PROPOSED TRAFFIC REGULATION ORDER**

**Subject**

It is proposed to introduce a prohibition of waiting on the south west and north east sides of Bloemfontein Street and the north west side of Barnsley Road at the junction with Bloemfontein Street, for the purposes of preventing indiscriminate parking to improve the free flow of traffic and to protect visibility requirements at the junction

**Authority**

*Part 3 Paragraph 21(b) Delegations to Officers: After consultation with Local Members, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.*

**Decision Taken**

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections 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 Order.

**Financial Consultation/Consideration:**

On behalf of the Service Director (S151) Officer  
Signature:

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Date:

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**Date of Decision:**

Signature (Group Manager – Highways & Engineering):

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Date:

\_\_\_\_\_

**Date Approved:**

Signature (Head of Highways & Engineering):

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Date:

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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

## **BLOEMFONTEIN STREET/BARNSLEY ROAD, CUDWORTH - PROPOSED WAITING RESTRICTIONS**

### **1. Purpose of Report**

- 1.1 The purpose of this report is to seek approval to introduce a new Traffic Regulation Order (TRO) necessary to implement waiting restrictions on Bloemfontein Street and Barnsley Road, Cudworth

### **2. Recommendation**

**It is recommended that:**

- 2.1 **The Executive Director of Core Services and Solicitor to the Council be authorised to publish the proposed waiting restrictions on Bloemfontein Street and Barnsley Road, Cudworth as described in this report and shown on the plan at Appendix 1;**
- 2.2 **Any objections be the subject of a further report to Cabinet;**
- 2.3 **If there are no objections 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.**

### **3. Introduction/Background**

- 3.1 Barnsley Road forms part of the former A628 route through the centre of Cudworth. The area comprises of residential properties interspersed with commercial premises and a small, more densely concentrated shopping area lying between Bank Street to the south west and Bow Street to the north east. Bloemfontein Street is a residential side street joining from the west of Barnsley Road approximately 100 metres south west of Bank Street.
- 3.2 There is a commercial premises at the south west side of the junction which has no off-street parking for customers. Bloemfontein Street has access, via service roads to a scrap business, garage site, allotments and a car park to the north of Nos. 3-71, ostensibly used by shoppers / visitors. A small number of the street's residents have garages on the garage site.
- 3.3 The majority of properties on Bloemfontein Street and Barnsley Road comprise of terraced housing with no off-street parking to the front of premises, although many have garages / parking space available to the rear, accessible via service roads. Occupants and visitors tend to park on the carriageway in front of premises, on both sides of the roads, which narrows the carriageway and

obstructs the free flow of traffic. On Barnsley Road this can lead to long queues of traffic, in both directions, being forced to give way to oncoming traffic, which causes delays to bus services. In addition, numerous vehicles are parked either partially or almost wholly on the footways on both sides and on, or very close to, junctions, obstructing footways for pedestrians and visibility for vehicles exiting onto Barnsley Road.

- 3.4** Parking issues were brought more sharply into focus during 2017. The Council received complaints, via meetings between BMBC Highways, the South Yorkshire Passenger Transport Executive (SYPTTE) and bus operators, about parking on Barnsley Road causing delays to services. Problems with fly-tipping on the Bloemfontein Street garage site had been raised by Local Members and it was proposed to close a length of the rear service road with a view to deterring this anti-social crime. A residents' consultation, carried out in November 2017, indicated a clear road safety problem at the junction of Bloemfontein Street / Barnsley Road caused by indiscriminate parking as described in paragraph 3.3. The majority of respondents objected to the proposed closure as they considered the only safe way of exiting Bloemfontein Street was via the rear service road, car park and Roberts Street, citing "near miss" incidents when attempting to pull out of the junction.
- 3.5** At a meeting with Local Members at the end of January 2018, to discuss the results of the consultation, it was agreed that the proposed closure could not go ahead and that the funding would be better spent improving visibility for drivers at the Bloemfontein Street / Barnsley Road junction via the implementation of waiting restrictions.
- 3.6** The proposed waiting restrictions have been designed to prevent indiscriminate parking occurring on and around the junction of Bloemfontein Street protecting visibility requirements for traffic exiting onto Barnsley Road. They will also shorten the length of carriageway available for parking creating a "passing place" adjacent the junction which will improve traffic flows.

#### **4. Proposal and Justification**

- 4.1** The proposal is to introduce waiting restrictions on the both sides of Bloemfontein Street and on the north western side of Barnsley Road. The proposals are shown on the plan at Appendix 1.
- 4.2** The aim of the proposals is to prevent indiscriminate parking, maintain the free flow of traffic and protect visibility requirements at the junction. The proposals are considered necessary for avoiding danger to persons or other traffic using the roads and for preventing the likelihood of any such danger arising and facilitating the passage of traffic on the roads.

#### **5. Consideration of Alternative Proposals**

5.1 Traffic restrictions are considered to be the most effective way of controlling parking. There are no other practical means of achieving the desired outcome.

## 6. Impact on Local People

6.1 There are a number of drivers who currently park on Bloemfontein Street and Barnsley Road who may be affected by the proposed “No Waiting At Any Time” restriction. However, on-street parking is available further along both roads and there is free parking available to the rear of Nos 196-242 Barnsley Road, accessible via Bank Street and Roberts Street.

## 7. Financial Implications

7.1 The Service Director Finance (S151 Officer) has been consulted on this proposal.

7.2 The costs of works, advertising and legal fees associated with the TRO are **estimated** to be £4550. This comprises of the following:

Works	£360
Professional legal fees	£300
Legal advertising	£400
Professional fees	£3490

7.3 The above costs are estimated and that the professional fees include an allowance to deal with objections as part of the process, although it is not possible to determine the actual number of objections. These estimated costs are fully funded by the South Yorkshire Passenger Transport Executive (SYPTe) from their allocation of LTP funding or charged to the requestors budget accordingly (e.g Area Council's).

## 8 Legal Implications

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

8.2 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 Act 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.

## 9 Consultations

9.1 Consultations have taken place with Cudworth ward members and all fully support the proposals. The emergency services have been consulted and no objections or adverse comments have been received

## 10 Risk Management Issues

<b>Risk</b>	<b>Mitigation/Outcome</b>	<b>Assessment</b>
<b>1. Challenge to the proposals because they infringe the Human Rights Act</b>	It is not considered that 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
<b>2. Legal challenge to the decision to make the TRO</b>	The procedure to be followed in the making of TROs 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

## 11 Compatibility with European Convention on Human Rights

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

## 12 List of Appendices

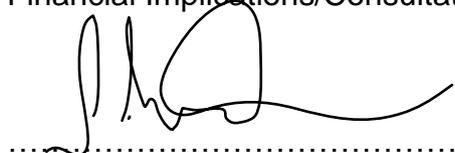
- Appendix 1 – Plan showing the proposals.

## 13 Background Papers

13.1 Project file.

**Officer Contact:** Liz Campbell : **Date:** 21<sup>st</sup> November, 2018

Financial Implications/Consultation



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(To be signed by senior Financial Services officer where no financial implications)