

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

BRIERFIELD CLOSE AREA, BARNSLEY **NO LOADING/UNLOADING AND WAITING RESTRICTIONS** **OBJECTION REPORT**

Objection Report

1. Purpose of Report

- 1.1 The purpose of this report is to consider three objections which have been received in respect of published proposals to prohibit vehicles loading/unloading and waiting at any time on parts of Wellbeck Street, Brierfield Close, Bingley Street and Clumber Street, 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 On 31st July 2019 approval was given to publish a range of traffic restrictions on Bingley Street, Brierfield Close, Clumber Street and Wellbeck Street. This followed a request by the Old Town Ward Alliance Members to look at measures to prevent obstructive parking in the Brierfield Close Area, and a site visit was undertaken to assess the situation. It was apparent that inconsiderate parking was creating obstructions around the junctions and impeding the free flow of traffic. The officer delegated report is attached at Appendix 1.
- 3.2 The proposals were published in September 2019 and three objections were received.

4. Consideration of Objections

The grounds of objection are summarised below and the Head of Highways & Engineering's comments in response are in **bold**.

(Location of objector: Summer Lane)

- The restrictions will stop people from parking outside their houses/garages and displace the parking elsewhere, in front of other people's houses causing problems elsewhere
- More parking is needed, not less
- The majority who park during the day are hospital staff/visitors
- Don't want lorries to start using Welbeck Street for access

(Location of objector: Summer Lane)

- The restrictions will prevent the objector from parking outside their own property, which has a CCTV coverage system.
- The objector will have to travel further to a place to safely get his children into the car(s).
- Accident statistics in 20 years show less than 10 accidents and minor accidents therefore road safety is demonstrably misplaced.
- Parking is worst during weekday times – in particular in the mornings – it's a combination of school run, hospital staff and hospital visitors.
- The proposed restrictions at Wellbeck Street will be used for access and egress of HGVs unloading and loading at Howarth Timber on Bingley Street – currently they access Howarth Timber via Bingley Street.
- The proposed restrictions will displace parking elsewhere.
- A proposal to stop HGVs using Wellbeck Street plus "residents only" parking scheme will be the best option for this Brierfield Close Area.

(Location of objector: Summer Lane)

- The proposals will escalate the serious problems that already exist with residents and the delivery of goods to and from Howarth Timber.
- The lack of residents' consultation leads to more road safety problems for pedestrians. This is a school route used daily by children and consideration should have gone into the proposed restrictions. When children use this Bingley Street/Wellbeck Street school route, the children have to avoid Howarth Timber class one HGVs running on pavements, blocking pavements, unloading in the middle of the road, forklifts trucks travelling across the pavements with forks extended. The proposals will open up Wellbeck Street and class 2 HGVs will enter and leave by the same route.
- The most feasible option is to use bollards on four corners to keep pedestrians safe and also restrict HGVs using the Wellbeck Street entry.
- Need a more long term solution to the problem for Brierfield Close Area.

Response:

No individual has a legal right to park on the public highway outside their property. Essentially, the purpose of the public highway is to facilitate the passage of traffic and should not be relied on as a parking area.

Unless restricted, all classes of vehicles are entitled to use the highway. Should issues arise with HGV's and other delivery vehicles accessing the timber merchant then further measures can be considered at that time.

When bollards are installed a minimum clearance must be left from the kerb edge/carriageway, however after leaving this clearance it often leaves a bollard positioned in the middle of a footway, often causing an obstruction to some footway users. They can also cause dangers to partially sighted users not expecting bollards to be there. In this area the footways are not sufficiently wide enough to accommodate their installation without impacting the users of wheelchairs and pushchairs etc.

Collision Statistics has not been the leading factor for the proposal to install restrictions in the Brierfield Close area. A request by Local Ward Members to seek to prevent obstructive parking from occurring has been the leading determination.

Gaps have been incorporated in the proposed restrictions where possible to accommodate some parking.

The proposed restrictions are designed to prevent obstructive parking in the Brierfield Close Area to facilitate safe traffic movements for both vehicles and pedestrians.

The budget for residents parking was removed by a Council Cabinet decision in 2007/08 and as such, no new schemes have been progressed since that time.

5. Proposal and Justification

- 5.1** It is proposed to implement the TRO as originally advertised as shown on the Plan at Appendix 1.

6. Consideration of Alternative Proposals

- 6.1** Option 1 – Overrule the objections 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 address the road safety issues that exist, It will not improve the carriageway and footway obstruction issues currently occurring and inter-visibility will continue be compromised.
 - It will not ensure free flow of traffic in the Brierfield Close Area.

7. Impact on Local People

- 7.1** The proposals may affect some residents and visitors who currently park where the restrictions are proposed. However, the proposed restrictions will prevent obstructive parking, improve the free flow of vehicles and improve visibility for both motorists and pedestrians. The restrictions will also benefit footway users as they will prevent half on/half off vehicular parking adjacent to the new restrictions.

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 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

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 31 July 2019

14. Background Papers

- 14.1** Traffic Project file 3919

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