

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 TO CABINET ON 18 AUGUST 2021

HONEYWELL LANE, CARRINGTON AVENUE AND RALEY DRIVE, BARNSLEY

PROPOSED “NO WAITING AT ANY TIME” RESTRICTIONS.

OBJECTION REPORT

1. Purpose of Report

- 1.1 The purpose of this report is to consider eight objections which have been received in respect of published proposals to prohibit vehicles waiting at any time on parts of Honeywell Lane, Carrington Avenue, Burton Street and Raley Drive, Barnsley.

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 Legal Service Director & Solicitor to the Council be authorised to make and implement the Traffic Regulation Order (TRO) as originally published.**

3. Introduction/Background

- 3.1 On 21st October 2019 approval was given to advertise proposals to prohibit vehicles waiting at any time on parts of Honeywell Lane, Carrington Avenue, Burton Street and Raley Drive. Planning permission has been granted for 81 residential dwellings on land off Carrington Avenue. Access to the development is via Honeywell Lane to Carrington Avenue and Raley Drive. The planning conditions stipulate that junction visibility should be safeguarded at the junction of the new access road with Honeywell Lane. There is also a requirement to install new traffic signal detector loops. See the officer delegated report attached at Appendix 1.
- 3.2 The proposals were published in November 2019 and one letter of objection was received which was signed by 12 people who live at 8 different properties in the area.

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 objectors: Honeywell Lane)

- The residents were not consulted in at initial planning stage and the Council are in breach of planning rules
- The construction of Barnsley Sport College and Construction College, sports gym facility and flood lit all-weather pitches heralded new problems in the local area – **these comments are not relevant to the proposed traffic restrictions**
- Students verbally abusing residents and racing through the red light at Honeywell Lane under the bridge – **these comments are not relevant to the proposed traffic restrictions.**
- Loops not functioning and its camera sensors that are controlling the signals at the bridge
- Loss of on-street parking by residents
- A disabled resident at house 60 needs her frontage on-street parking space
- The Council refused “resident parking” and said no to this option and said Council had no funds or budget for resident permits
- Residents want adequate, dedicated on-street parking adjacent their houses.

Response:

Between May to June 2016 a consultation was carried out in compliance with the planning application process following the receipt of an application for planning permission for a proposed development comprising 80 dwellings, associated car parking and landscaping and biodiversity mitigation and enhancement. The public consultation, at the time, included house nos. 50, 52, 54, 56, 58, 60, 62 and 64 Honeywell Lane.

The publication of the proposed traffic restrictions fully complied with the statutory requirements. Notice was published in the Barnsley Chronicle, copies of the notice were posted on the affected roads, copies of the required documents were posted on the Council’s website and were put on deposit at Barnsley Central Library and the statutory period for objections and representations was afforded

Parked vehicles on Honeywell Lane, close to the bridge, force travelling vehicles to miss the traffic signal-loop, which is built into the road surface and sometimes, vehicles have been found to be parked on the loop itself meaning it does not trigger for the next vehicle. This also interferes with the overhead detectors working efficiently. This led to a situation where neither the overhead detectors nor the loops were working effectively, meaning that the signals were not changing on demand but were instead on a fixed time change sequence resulting in unnecessary delays and frustration for motorists. The recently replaced traffic signals have had an additional stage added to aid pedestrian movements through the tunnel.

To enable the signals to operate efficiently, clear, uninterrupted detection is required on all approaches. This is because the new controller uses the timings and detection available to ensure the signals can move to the next stage as quickly as possible. This prevents delays to motorists and pedestrians and ensures we comply with Section 16 of the Traffic Management Act 2004 by facilitating the expeditious movement of traffic.

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.

There are 16000+ blue badge holders within the Barnsley Borough. Barnsley Council only provides designated Blue Badge parking on streets within the Town Centre and some of its townships, to ensure the public can access public facilities such as shops banks etc. There is also designated disabled parking spaces in the majority of Council operated car parks. It is possible to provide disabled parking bays for specific individuals to use. A blue badge holder enjoys certain concessions where waiting restrictions are in place in any event.

The proposed restrictions are designed to prevent obstructive parking to facilitate safe traffic movements for both vehicles and pedestrians, with gaps being incorporated in the proposed restrictions where possible to accommodate some on-street parking.

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

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 on-street parking issues that exist along Honeywell Lane.
- It will not ensure at the junctions of Carrington Avenue/Honeywell Lane, Honeywell Lane/Raley Drive and the access road to Barnsley College are kept free from parked vehicles maintaining visibility for motorists as stipulated in the planning conditions.
- It will not protect traffic signal detectors loops allowing them to operate efficiently.

7. Impact on Local People

- 7.1** The proposed restrictions will prevent obstructive parking and improve the free flow of vehicles. The restrictions will also benefit pedestrians using the footway as they will prevent half on/half off vehicular parking;
- 7.2** The proposed restriction will reduce the available on-street parking availability on the northern curb line by 2 vehicle spaces (outside No's 62 & 64). Additional on-street parking is available very close by.

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. The Council is satisfied that it is expedient to make the proposed TRO for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, and for facilitating the passage of traffic, including pedestrians.
- 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 restrictions proposed meet those objectives.

10. Consultations

- 10.1** No additional consultations are required; these having already been carried out at the publication stage;
- 10.2** Due to the specific nature of an objection raised by a resident at No 60 Honeywell Lane, an 'Equality Impact Assessment' was carried out - see EIA at Appendix 2.

11. Risk Management Issues

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	<p>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 Legal Service Director and Solicitor to the Council has developed a sequential test to consider the effects of the Human Rights Act which are followed.</p>	Low

Risk	Mitigation/Outcome	Assessment
2. Legal challenge to the decision to make the TRO.	<p>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.</p>	Low

12. Compatibility with European Convention on Human Rights

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

13. Equality Impact

13.1 Full Equality Impact Assessment completed. Please see Appendix 2.

14. List of Appendices

- Appendix 1 – Plan showing proposals;
- Appendix 2 – Equality Impact Assessment (EIA) – No 60 Honeywell Lane, Barnsley.

15. Background Papers

15.1 Traffic Project file 3937

Officer Contact: Darren Storr, Traffic Engineer

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