

## **BARNSELY 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 8 SEPTEMBER 2021**

**Public or private: Public**

**WARNER ROAD, PENNINE WAY, COTSWOLD CLOSE,  
HAMBLETON CLOSE, MENDIP CLOSE, GRAMPIAN WAY  
and MALVERN CLOSE, Barnsley.**

**Proposed, 'No Waiting at Any Time' restrictions.**

### **1. PURPOSE OF REPORT**

- 1.1 To seek Cabinet approval to enact a Traffic Regulation Order (TRO) necessary to introduce restrictions on Warner Road and its side roads.

### **2. RECOMMENDATIONS**

- 2.1 To approve the proposal as described in this report and to authorise the Head of Highways and Engineering and the Legal Service Director and Solicitor to the Council make and implement the Traffic Regulation Order.

### **3. INTRODUCTION**

- 3.1 Warner Road, Barnsley is a residential street with private houses on both side of the road. It has several side roads including 5 Cul-De-Sacs. The majority of houses have off-street parking but due to the increased number of multi-vehicle households, parking on the public highway is common;
- 3.2 Under normal circumstances, parking is experienced on both sides of the road, but with sufficient capacity and space to accommodate the local community and residents;
- 3.3 Over several months the volume of traffic using Warner Road for parking has increased significantly;
- 3.4 Warner Road is located less than 350m from Barnsley Hospital. The cost of using Hospital car parking facilities causes some staff and visitors to use Warner Road as a free parking facility and then walk the short distance to the Hospital;
- 3.5 This situation has resulted in indiscriminate and careless parking along the full length of Warner Road. Pinch-points are created reducing the flow of traffic, obstructing access to side roads and in some locations, drivers have resorted to parking half-on/half-off the roadway obstructing the footway for pedestrians;

- 3.6 As well as the impact for access issues for local residents, public safety is being put at risk due to the severely narrowed carriageway, making access for larger vehicles difficult, such as those used by the emergency services, refuse vehicles etc. Half-on/half-off parking creates significant risks to pedestrians, especially a parent with a pushchair or a wheelchair user.

#### **4. PROPOSAL AND JUSTIFICATION**

- 4.1 Local Ward members and residents raised concerns that the proposals will prevent residents on Warner Road from parking on the public highway outside their properties;
- 4.2 Introduce 'No Waiting at Any Time' along the full length of the south western side of Warner Road;
- 4.3 Introduce 'No Waiting at Any Time' restrictions at the junctions of Pennine Way, Cotswold Close, Hambleton Close, Mendip Close, Grampian Close and Malvern Close,
- 4.4 These measures will prevent inconsiderate and careless parking which obstructs access to properties and side roads and will maintain visibility for motorists;
- 4.5 These measures will prevent half-on/half-off footway parking which obstructs pedestrian access and impedes pushchair and wheelchair use.

#### **5. CONSIDERATION OF ALTERNATIVE APPROACHES**

- 5.1 An alternative approach would be to leave the stretches of road unrestricted. However, this will not resolve the current difficulties and unsafe parking practices being experienced along Warner Road.

#### **6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS**

- 6.1 The proposed restrictions will prevent indiscriminate and careless parking, half-on/half-off footway parking and improve the free flow of vehicles and access to properties and side roads.

#### **7. FINANCIAL IMPLICATIONS**

- 7.1 The costs of advertising and legal fees associated with the TRO are estimated at £6,000.00 and are being funded by the Ward.

#### **8. EMPLOYEE IMPLICATIONS**

n/a

#### **9. LEGAL IMPLICATIONS**

- 9.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO and the Council is satisfied it is expedient to make the Order for avoiding danger to persons or other traffic using the roads and for preventing the likelihood of any such danger arising, and for facilitating the passage of traffic on the roads;
- 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. CUSTOMER AND DIGITAL IMPLICATIONS

n/a

## 11. COMMUNICATIONS IMPLICATIONS

n/a

## 12. CONSULTATIONS

12.1 The Local Ward Members, Area Manager, Emergency Services and the SYPTE have been consulted and no objections have been received.

## 13. EQUALITY IMPACT

13.1 Not applicable - not relevant to the TRO process.

## 14. RISK MANAGEMENT ISSUES

14.1

Risk	Mitigation/Outcome	Assessment
<b>1. Challenge to the proposals because they infringe the Human Rights Act</b>	It is not considered the proposals have any interference with convention rights. Any potential interference must 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.	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

## 15. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

15.1 It is not considered to be any potential interference with European Convention on Human Rights as the proposals aims to create a safer environment and prevent

indiscriminate parking.

## 16. LIST OF APPENDICES

- Appendix 1 – Plan showing the proposals.

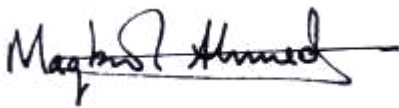
## 17. BACKGROUND PAPERS

- Project file – Traffic/TRO's/Permanent/4091;
- Schedule;
- Statement of Reasons;
- Internal Consultation;
- TRO & Delegated Powers Report;

If you would like to inspect background papers for this report, please email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk) so that appropriate arrangements can be made

**Report author:** Darren Storr. Traffic Engineer.

Financial Implications/Consultation



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*Maqbool Ahmed.*  
*Acting Strategic Finance Manager*

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