

## **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.

1<sup>st</sup> December 2021.

### **DEARNE HALL ROAD, DEARNE HALL LANE and its side road junctions of - , MILLER'S VIEW, MILLER'S GROVE and DEARNE HALL PARK, Barugh Green, Barnsley.**

#### **'NO WAITING AT ANY TIME RESTRICTIONS'**

#### **OBJECTION REPORT.**

#### **Objection Report**

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

- 1.1 The purpose of this report is to consider the 3 objections received to the proposal to introduce new no waiting at any time and restrictions on parts of Dearne Hall Road, Dearne Hall Lane and its side road junctions, as shown on Appendix 1;
- 1.2 To seek approval to reconsider the proposals in light of the objections and implement the restrictions as originally advertised.

##### **2. Recommendation**

**It is recommended that:**

- 2.1 **The objections received are rejected for the reasons set out in this report and the objectors are informed accordingly.**
- 2.2 **The Head of Highways and Engineering and the Legal Service Director and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order.**

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

- 3.1 Residential planning consent was granted for a housing development on 25<sup>th</sup> February 2016 on land south of Dearne Hall Road, Barugh Green.

- 3.2 A main through road, Dearne Hall Lane, has been constructed which links Dearne Hall Road and the roundabout at the Barnsley Road / Claycliffe Road junction.
- 3.3 Planning consent conditions included measures to protect visibility and the free flow of traffic along Dearne Hall Lane.
- 3.4 It is proposed to introduce a, 'No Waiting at Any Time' restriction along the full length of Dearne Hall lane and at each of the side road junctions, along with the main junction with Dearne Hall Road.
- 3.5 The restrictions have been designed to best manage and govern the road, thereby providing a safer and more enjoyable environment whilst protecting the free flow of traffic and unobstructed use of all roads.
- 3.6 This scheme was advertised publicly on 23<sup>rd</sup> July 2021 and 3 objections were received and recorded.

#### 4. **Consideration of Objections**

The 3 objections below were recorded during the public consultation period.

Each objection is summarised along with the location of the respondent.

(The Head of Highways & Engineering's comments in response follow the objections.)

##### 1. ***(Location of objector: Resident – Millers Grove).***

- Restriction will end right outside window.
- Displacement of vehicles on to side roads.
- Millers Grove already experiences road & footway parking.
- Wants confirmation / reassurance that enforcement will be taking place for the inevitable non-compliance.

##### 2. ***(Location of objector: Resident – Dearne Hall lane).***

- Not informed by Barratt Homes of the proposals before house purchase.
- Services / deliveries will not be able to park.
- Houses have more cars than they have spaces for, and pavement parking means prams have to use the road – Displacement?

##### 3. ***(Location of objector: Resident – Dearne Hall lane).***

- Objects to the road being called a, 'main road' due to DYL's being proposed.
- Expects to see a speed limit as well as DYL's.
- Concerns over air quality due to increased volume of traffic.

## 5. Head of Highways and Engineering Response

*“This scheme has been developed to address the potential but ‘inevitable’ inconsiderate and obstructive parking on the main road through the new development.*

*New housing developments continue to be populated by families with more cars than they have space for and subsequently the roads become congested and private accesses obstructed.*

*Dearne Hall Lane will become the default through road between the current Dearne Hall Road and Barnsley Road / Claycliffe Road roundabout junction. The road needs to be kept clear of congestion and obstruction to promote and maintain the free flow of traffic and accessibility to all the side roads.*

*Every house on the new development has private off-street parking, the great majority with space for 2 or more cars.*

*No individual has a legal right to park on the public highway outside their property, nor should they have the expectation to do so.*

*Essentially, the purpose of the ‘public highway’ is to facilitate the passage of traffic and should not be relied on as a parking area.*

*The restrictions will prevent footway parking keeping the footways safe and clear for pedestrians and pushchair / wheelchair users.*

*By virtue of the presence of street lighting, Dearne Hall lane will automatically be governed by a 30mph speed limit.*

*No waiting restriction allows for the immediate pick-up/drop-off and loading/unloading of vehicles.*

*Parking enforcement is for the relevant department within the council to address and does not affect the process of TRO’s.”*

## 6. Proposal and Justification

It is proposed to implement the TRO as advertised and as shown on the plan at Appendix 1.

## 7. Consideration of Alternative Proposals

7.1 Option 1 – Overrule the objections and proceed with the restrictions as advertised and in Appendix 1; **This is the preferred option.**

7.2 Option 2 – Revise the restrictions to reduce the lengths of restrictions. This option is not recommended for the following reasons:

- The free flow of traffic will still be obstructed.
- It will not fully maintain safety at the junctions.
- It will not fully prevent visibility issues at the junction.

- It will not fully ensure the free flow of traffic.
  - It will not fully prevent obstructive on-street parking.
- 7.3** Option 3 – Decline to introduce the restrictions. This option is not recommended for the following reasons:

- It does not comply with the original planning conditions.
- The free flow of traffic will still be obstructed.
- It will not maintain safety at the junctions.
- It will not prevent visibility issues at the junction.
- It will not ensure the free flow of traffic.
- It will not prevent obstructive on-street parking

## **8. Impact on Local People**

- 8.1** The restrictions will prevent inconsiderate and obstructive parking along the main through road and at the side road junctions.
- 8.2** The restrictions will improve and maintain the free flow of traffic in the area by preventing congestion and obstructions.
- 8.3** There will be a loss of on-street parking space, but all residents have off-street private parking available.

## **9. Financial Implications**

- 9.1** The financial implications remain the same as previously reported.

## **10. Legal Implications**

- 10.1** 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.
- 10.2** 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.

## **11. Consultations**

- 11.1** No additional consultations are required; these having already been carried out, pre-report stage.

## 12. 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 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.	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

## 13. Compatibility with European Convention on Human Rights

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

## 14. List of Appendices

- Appendix 1 – Plan of the proposed restrictions.
- Appendix 2 - TRO and Delegated Powers' Report (TDPR) dated 29<sup>th</sup> July 2021.

## 15. Background Papers

- 15.1 Traffic Team file – 4120.

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**Date:** September 2021