

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.

1st December 2021.

FURLONG ROAD, PROSPECT ROAD, Goldthorpe, 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 Furlong Road and its junction with Prospect Road, 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 A complaint was received from the SYPTE (South Yorkshire Passenger Transport Executive) regarding traffic congestion and uncontrolled parking on Furlong Road around its junction with Prospect Road.
- 3.2 The route is a public service bus route and buses were experiencing significant access/manoeuvring problems at this junction.

- 3.3 Both visibility and manoeuvring are hindered by resident's vehicles being parked indiscriminately around the junction. This impacted on pedestrian and road user safety and the quality of bus service provided.
- 3.4 This scheme was advertised publicly on 16th 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: Non-resident – Lowfield Close, Barnsley).

- Objects to Furlong Road being described as, 'Goldthorpe'.
- Where are residents with no private parking going to park?
- Suggests large vehicles are stopped from using Prospect Road rather than introducing parking restrictions.

2. (Location of objector: Non-resident – Lowfield Close, Barnsley).
(Spouse of 1st objector above – identical objection received)

- Objects to Furlong Road being described as, 'Goldthorpe'.
- Where are residents with no private parking going to park?
- Suggests large vehicles are stopped from using Prospect Road rather than introducing parking restrictions.

3. (Location of objector: Resident – Furlong Road).

- Parking at and around the TESCO Express store is the actual problem, not the junction.
- Large goods vehicles too big to use on Furlong Road/Prospect Road.
- Prohibiting parking at the end of Prospect Road and either side of the junction would solve this problem.
- Would like a road sign on the low bridge on Furlong Road to discourage large vehicles using Furlong Road.

5. **Head of Highways and Engineering Response**

"This scheme has been developed to address inconsiderate and obstructive parking and provide clear visibility on parts of Furlong Road and at the junction with Prospect Road.

Observations have shown that Furlong Road at the junction with Prospect Road is subject to car parking on the immediate junction, restricting large vehicle manoeuvres and visibility for drivers and pedestrians.

The TESCO Express store is located 50 meters south of the Prospect Road junction and has limited parking on site. The store is a significant asset to the community and is serviced by large, refrigerated goods vehicles. Restricting this business could have potentially significant impact on its operation and services to the larger community.

Comments regarding the naming of the road and a road sign on the low bridge are not relevant to this scheme.

A number of houses on Furlong Road in the immediate vicinity of the junction do not have private off-street parking. All other houses have access to off-street private parking.

Residents are concerned that the proposed restriction will cause parking problems; the scheme will only directly affect 9 residencies that will no longer have on-street parking directly outside of their houses. There is still adequate on-street parking a few meters away.

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."

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 restriction. This option is not recommended for the following reasons:

- Large vehicle manoeuvres will still be obstructed.
- It will not fully improve safety at the junction.
- 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:

- Large vehicle manoeuvres will still be obstructed.

- It will not improve safety at the junction.
- It will not prevent visibility issues at the junction.
- It will not ensure the free flow of traffic.

8. Impact on Local People

- 8.1** The restrictions will address the concerns of the SYPTE who raised concerns regarding traffic congestion and uncontrolled parking at the junction of Furlong Road and Prospect Road.
- 8.2** The restrictions will improve and maintain the free flow of traffic in the area by preventing inconsiderate and obstructive parking at the junction.
- 8.3** There will be some loss of on-street parking space, but the majority of 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

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the	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	Low

Human Rights Act	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.	
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

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 dated 28th June 2021.

15. Background Papers

15.1 Traffic Team file – 4174.

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Date: September 2021