

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

WARNER ROAD, BARNLSLEY.

'NO WAITING AT ANY TIME' restrictions.

OBJECTION REPORT.

Objection Report

1. Purpose of Report

- 1.1** The purpose of this report is to consider 17 objections received to the original proposals which began in 2018 to introduce new no waiting at any time and restrictions on parts of both sides of Warner Road and its junctions with Pennine Way, Hambleton Close, Cotswold Close, Mendip Close, Grampian Close and Malvern Close, as shown on Appendix 1.
- 1.2** Due to a delay in the process and a subsequent slight addition to the original proposal in 2021, the scheme was re-advertised publicly in May/June 2021. This consultation resulted in zero objections being received.
- 1.3** To accurately reflect both sets of public consultations (one with 17 objections and one with zero objections) and to reconsider the proposals in light of these consultations and seek to 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** **To approve the proposal as described in this report and as per APPENDIX 1 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/Background

- 3.1** The scheme was originally publicly advertised on 19th November 2019 and 17 objections were received and recorded.
- 3.2** The scheme was then delayed and not progressed again until November 2020. The scheme was reviewed against the original objections and a further length of restriction was added to Pennine Way in early 2021.
- 3.3** A decision was then taken to re-advertise the scheme again in full in May 2021.
- 3.4** As the original scheme (2019) was not formally proceeded with after the first round of objections were received, they have been incorporated into this new report to accurately reflect the legal consultation process.
- 3.5** In May 2021 approval was given to publicly re-consult the traffic restrictions in the Warner area of Barnsley.
- 3.6** The restrictions were published, no objections were received, and 3 emails of support were received.

4. Consideration of Objections

The 17 objections below were recorded after the November 2019 advertisement. Each objection is summarised along with the name of the respondent. The Head of Highways & Engineering's comments in response follow the objections.

(Location of objector: Cheviot Walk)

- Stop on-street parking to houses on the ends of the Cul-de-Sacs
- The proposals leave him unable to park on the rear of his property
- Always requested for restrictions from 8am to 6pm Monday to Friday and follow up with enforcement because of the hospital parking
- Parked vehicles obscuring visibility reason is insufficient as the other sections of the road, with no restriction, will still have inconsiderate on-street parking, obscures visibility and blocking residents' exiting their drives by road user on-street parking.

(Location of objector: Email, Barnsley Hospital)

- The on-street parking at Warner Road and its junctions is done by hospital staff who do not have enough staff parking spaces especially after 8am and mainly because hospital car parking is privately owned. The result from private car park ownership is hospital staffs have to pay to park to attend to work.
- The annual cost at Barnsley hospital car park is £400.00 and extra cost to the hospital staff.
- Warner residents have taken the law in their hands by placing large traffic cones on the pavements to stop obstructive parking. This is illegal.
- The Council can solve this parking issue by provision by availing parking to the hospital staff or alternative hospitals provide parking.
- Imposing restrictions is only going to move the problem to other nearby streets and not solve the underlying problem

(Location of objector: Email – location unknown)

- The TRO will solve on-street parking problems on Warner Road, but the problems will be shifted on to the other roads in Pogmoor. The roads that are going to be affected St Owens Drive and its junction with St Martins Close and Catherine's Way.
- The residents on the estate serviced by St Owens Drive experience daily problems with inconsiderate and unsafe parking, usually by hospital staff.
- The roads in question are narrower than Warner Road, being just 2 car widths.
- Cars park on the pavements restricting access for pedestrians.
- St Owens Drive has three blind bends, with cars using the Road as a "rat run" on the wrong side of the road, with the potential to cause an accident.
- Many times, cars are parked close to Pogmoor Road, resulting in cars entering the estate meeting oncoming cars have to reverse into the main road.
- The Road is also used by children from the Horizon school many on cycles.
- There is an accident waiting to happen!
- St Owens Drive is much more in need of parking restrictions, on road safety grounds.
- Now funds seem to have been found for this proposed TRO.
A possible short-term solution would be, for the NHS/Barnsley Council to purchase the old Remploy site at the end of West Road and convert it into a car park. Constructive consultation would be greatly appreciated.

(Location of objector: Pennine Way)

- The restrictions will address the issues concerning on-street parking by hospital staff, but the issue will just be moved onto Pennine way.
- Being a resident at Pennine Way, he has to mount a pavement to get his car off his drive and could cause a danger to any pedestrian that may be walking.
- There is a likelihood of bin collections failing to be collected.
- The obstructive on-street parking car owners are very abusive to the residents as witnessed by the resident.

(Location of objector: email – 'Barnsley')

- They will now become a significant issue and danger to adjoining roads and residents of Pennine Way and Downs Crescent who are predominantly elderly and therefore have mobility problems.
- Reduced pavement capacity would mean they would need to travel in the middle of this busy road which is a rat run from Intake lane and Redbrook hill.
- The main issue of the elderly is the inability of emergency vehicles to access the area which is already experienced on these narrow streets by lorries who are sent the wrong way by sat nav.
- The stressed hospital workers/NHS Staff should be provided with adequate parking in designated area.
- The on-street parking in the Warner Road area creates a conflict between hospital workers and residents - hence a permanent solution to this dangerous situation.

(Location of objector: Dodworth Ward)

- This TRO will no doubt resolve the parking difficulties on Warner Road, but it will be at the cost of displacing those difficulties to exacerbate the already significant problems caused by similar parking issues on neighbouring streets such as St Owen Drive.
- It would make far more sense to extend the areas covered by this TRO to include all affected neighbouring streets in order to resolve this longstanding problem.
- The TRO was devised after proper consultation with the community and local members, the TRO would attract widespread support.

(Location of objector: Pennine Way)

- The restriction will cause congestion on Pennine Way.
- The on-street parking problem of hospital staff cars will be moved to the neighbouring roads. There is already parking at Pennine Way in great numbers.
- A resident's proposal is to extend the restriction to the south east side of Pennine Way to the junction of Intake Lane.

(Location of objector: email – 'Barnsley')

- The restriction will only move the problem elsewhere in the neighbourhood.
- St Owens Drive at Pogmoor is reduced to one lane in and out of Pogmoor Road.
- Vehicles have to back out onto Pogmoor Road to give way to other vehicles coming the other way.
- Vehicles are parking on St Owens Drive which belongs to people working at the school in Dodworth Road when there is room to park in the school grounds.

(Location of objector: Email- location unknown)

- The restrictions will send the cars and their owners to the cul-de-sac on St Martins, Pogmoor Road and St Catherine's Way.
- The residents already experience experiencing lots of cars parking on St Owens Drive from one end to the other.
- The on-street parking takes place on corners and on the pavements, which restricts people walking safely.
- They are rat runs in the early evening and this makes it unsafe for other road users.
- The objector has carried out an observation and the majority people parking are hospital staff.
- The objector proposes to build a park and ride for the hospital at Dodworth. This proposal will alleviate the parking issues at and around the hospital.

(Location of objector: Pennine Way)

- The restriction on Warner Road is supported but will move the issue to Pennine Way and Downs Crescent.
- Parking on the footway causes problems for the elderly with mobility problems.
- Reducing the available parking will cause problems for elderly residents who rely upon nurses and carers, who will not be able to park.

(Location of objector: Pennine Way)

- It would appear from the proposals that the problem of parking in the Warner Road will just be transferred to Pennine Way.
- The residents of Pennine Way already have a problem with hospital workers parking on this street.
- Pennine Way is quite narrow and if these workers come into this street and double park, which is highly likely, where on earth will residents be able to park or even get in or out of their own property?
- With the funds that are available for the current proposal why can't they be used for both Warner Road and Pennine Way to have Permit Parking, the same as Warner Avenue and other areas in Pogmoor?
- I have seen the inconsiderate and dangerous places these workers park in other areas and I believe the best course of action would be PERMIT PARKING for both streets. It would solve the problem permanently!! Please re-consider the above current proposal

(Location of objector: Warner Road)

- Don't deal with Warner Rd without dealing with Pennine Way!
- Don't assume parking problems are due to residential parking... NHS staff abandoning vehicles anywhere are to blame for the problem
- Single yellow lines (No waiting during times shown) are a better residential solution.
- Work with NHS to help provide better parking for both Staff and patient visitors.
- Consult with residents before implementing scheme.

(Location of objector: Email – location unknown)

- Welcomes plans to address parking issues on the junctions of Warner Road and others.
- The plans do not go far enough. Restricting parking on the areas detailed in this proposal will inevitably push the parking problem onto Pennine Way and possibly Downs Crescent and Intake Lane.
- These further roads, Pennine Way particularly, also need to have restricted parking regulations to ensure clear and safe passage for people and vehicles.
- Please review your proposal to include consideration of additional measures necessary on the roads mentioned.

(Location of objector: Warner Road)

- Concerned that the proposed restrictions on Warner Road are certainly going to lead to on-street parking shifting to Pennine Way.
- The resident is blind, and her husband is disabled. She also mentioned that the majority of Pennine Way residents are elderly people.
- Don't deal with Warner Rd without dealing with Pennine Way!

(Location of objector: Pennine Way)

- Proposals will not resolve the problem. When you have got rid of all the cars on Warner Road, where do you think they will go?
- People will move 50 yds. or so around the corner onto Pennine Way, then all the problems will start all over again.
- We already have 'parkers' in front of gates etc. on Pennine Way, which already causes friction.
- Proposals will not get rid of the problem but simply moving it on.

- Everyone else can see this why can't you?

(Location of objector: Pennine Way)

- Already experience significant problems caused by 'hospital traffic' being parking close to their driveway. Exiting my drive is extremely hazardous as view is obscured by parked cars.
- The measures proposed will simply decant the parking problem onto Pennine Way exacerbating the issues he is currently experiencing.
- Aware that people need to park their cars, but I feel that the parking restrictions proposed by yourselves need to be further extended to also include Pennine Way.
- Work with the Hospital to try and identify a more permanent solution to the parking problem in the Pogmoor area.

Head of Highways & Engineering's response:

"This scheme has been developed to address obstructive parking on Warner Road and all the adjoining minor roads. The other purpose of the scheme is to ensure all junctions are kept clear, provide clear visibility and also keep the footway clear of parked vehicles.

The clear footways would improve accessibility for pedestrians especially wheelchair users, carers with prams/pushchairs and children going to schools.

Observations have shown that the frontages on the North East side of Warner Road have not had issues of on-street parking and this is the reason why the restrictions are not covering this side of Warner Road. These houses have driveways directly facing Warner Road, which stops the obstructive parking.

The residents are concerned that the proposed restriction will cause congestion and displace the on-street parking problems to the neighbouring roads of Pennine Way, Intake Lane, Downs Crescent and Rowan Drive.

The residents have carried out observations that the majority of people parking on-street are hospital staff. The staff have said that it is expensive to pay for an annual fee to use hospital parking. The hospital staff are free to park anywhere there are no restriction if they are not inconveniencing the residents.

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."

5. Proposal and Justification

It is proposed to implement the TRO as advertised (May/June 2021) and as shown on the plan at Appendix 1. Change was made to the original scheme (2019) after receiving objections at that time. This change has now been re-advertised with no objections received and 3 emails of support received.

6. Consideration of Alternative Proposals

- 6.1** Option 1 – Overrule the objections and proceed with the restrictions as advertised and in Appendix 1; **This is the preferred option.**
- 6.2** Option 2 – Revise the restrictions to consider a wider area and the possibility of residents only parking scheme.
- 6.3** Option 3 – Decline to introduce the restrictions. This option is not recommended for the following reasons:
- It will not stop the blocking of residential frontages/driveway.
 - It will not improve safety at the junctions between Warner Road and its side roads.
 - It will not prevent obstructive on-street parking and footway parking.
 - It will not prevent visibility issues at the junctions.
 - It will not ensure the free flow of traffic.

7. Impact on Local People

- 7.1** The restrictions will address the concerns of local residents who have trouble accessing their properties due to obstructive commuter parking.
- 7.2** The restrictions will address the concerns of local Ward members who are concerned over residential access by their constituents and the overall safety of road users. Especially, pedestrians and pushchair/wheelchair users who regularly have to deal with vehicles parked on the footways.
- 7.3** The restrictions will also maintain the free flow of traffic in the area by preventing obstructive parking at the junctions, particularly during hospital appointment visits drop off periods.
- 7.4** There will be some loss of on-street parking space, but the majority of residents have off-street private parking available.

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 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. Consultations

- 10.1 No additional consultations are required; these having already been carried out, pre-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 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
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

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

13. List of Appendices

- Appendix 1 – Plan of the proposed restrictions.
- Appendix 2 – TRO and Delegated Powers Report

14. Background Papers

14.1 Traffic Team file – 4091

Officer Contact: Darren Storr, Traffic Engineer.

Date: November 2021