

## Record of Decision of the Head of Highways and Engineering for;

### Warner Road, Pennine Way, Cotswold Close, Hambleton Close, Mendip Close, Grampian Close, Malvern Close, Barnsley.

#### Proposed 'No Waiting At Any Time' restrictions.

##### Subject

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.

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.

Over several months the volume of traffic using Warner Road for parking has increased significantly.

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.

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.

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.

##### Authority

*Part 3 Paragraph 20(b) Delegations to Officers: After consultation with Local Members and the relevant Parish Council, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.*

##### Decision Taken

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections the Head of Highways and Engineering and the Legal Services Director and Solicitor to the Council be authorised to make and implement the Order.

**Financial Consultation/  
Consideration)**

Signature: (Dawn Greaves - Strategic Finance Manager on  
behalf of Service Director (S151) Officer):

D Greaves

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Date: 12/05/2021

**Date of Decision:**

Signature: (Damon Brown – Principle Engineer):



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Date: 12/05/2021

**Date Approved:**

Signature: (Ian Wilson - Head of Highways &  
(Engineering):



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Date: 12/05/2021

## **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

### **Warner Road, Pennine Way, Cotswold Close, Hambleton Close, Mendip Close, Grampian Close, Malvern Close, Barnsley.**

#### **Proposed 'No Waiting At Any Time' restrictions.**

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

- 1.1 The purpose of this report is to seek approval to advertise and implement a Traffic Regulation Order (TRO) necessary to introduce restrictions on parts of Warner Road, Pennine Way, Cotswold Close, Hambleton Close, Mendip Close, Grampian Close, Malvern Close;
- 1.2 The purpose of the proposed TRO is to prevent indiscriminate and careless parking from occurring allowing the free flow of traffic whilst maintaining visibility, prevent half-on/half-off footway parking and secure access to private properties and side roads.

#### **2. Recommendation**

It is recommended that:

- 2.1 **The Legal Service Director and Solicitor to the Council be authorised to publish the proposed waiting restrictions on sections of Warner Road, Pennine Way, Cotswold Close, Hambleton Close, Mendip Close, Grampian Close, Malvern Close as described in this report and shown on the plan at Appendix 1;**
- 2.2 **Any objections be subject of a further report to Cabinet;**
- 2.3 **If there are no objections, the Head of Engineering and the Legal Service Director and Solicitor to the Council be authorised to 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 Prohibit vehicles waiting at any time along the full length of the south western side of Warner Road, and at the junctions of Pennine Way, Cotswold Close, Hambleton Close, Mendip Close, Grampian Close and Malvern Close;
- 4.2 These measures will prevent inconsiderate and careless parking which obstructs access to properties and side roads and will maintain visibility for motorists;
- 4.3 These measures will prevent half-on/half-off footway parking which obstructs pedestrian access and impedes pushchair and wheelchair use.

#### **5. Consideration of Alternative Proposals**

- 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. Impact on Local People**

- 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;
- 6.2 Some residents will be unable to park outside their properties but the vast majority have access to off-street private parking and only one side of Warner Avenue is being restricted, leaving ample on-street parking still available.

#### **7. Financial Implications**

- 7.1 The costs of advertising and legal fees associated with the TRO are estimated at £6,000 and are being funded by the Ward.

## 8. Legal Implications

- 8.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO;
- 8.2 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.

## 9. Consultations

- 9.1 Residents raised concerns that the proposals will prevent them from parking on Warner Road on the public highway outside their properties;
- 9.2 The Ward members and emergency services have been consulted and no adverse comments have been received.

## 10. 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

## 11. Compatibility with European Convention on Human Rights

- 11.1 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.

## 12. List of Appendices

- Appendix 1 – Plan showing the proposals.

## 13. Background Papers

13.1 Project file - 4091

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**Date:** 19/04/2021.