

## **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  
Cabinet, 26 January 2022**

### **SNYDALE ROAD, EVELINE STREET, METHLEY STREET and CHURCH STREET, CUDWORTH, 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 4 objections received to the proposal to introduce new no waiting at any time restrictions on parts of Snydale Road and its side roads: Eveline Street, Methley Street and Church Street.
- 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 the Cabinet:**

- 2.1 **Agrees that the objections received be rejected for the reasons set out in the report and the objectors informed accordingly.**
- 2.2 **Approves the proposal to enact a Traffic Regulation Order (TRO) to introduce 'No Waiting at Any Time' restrictions on parts of both sides Snydale Road and its side roads: Eveline Street, Methley Street and Church Street, as shown on Appendix 1 of the report submitted.**
- 2.3 **Authorises the Head of Highways and Engineering and the Legal Service Director and Solicitor to the Council 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 Snydale Road and its side roads (Eveline Street, Methley Street and Church Street).
- 3.2 Indiscriminate and careless parking was causing significant access problems to Bus Stops, impacting the free flow of traffic, particularly for buses and

larger vehicles such as those used by the emergency services and reducing visibility.

- 3.3 Preventing buses accessing Bus Stops increases the risks to passengers of trips, falls, entering the carriageway and coming into conflict with other road users. These increased risks can significantly impact on the provision of a safe and sustainable public transport service and may result in the removal of an individual bus stop or the service itself.
- 3.4 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.
- 3.5 Visibility and manoeuvring are hindered by resident's vehicles being parked indiscriminately along Snyderdale Road and its junctions. This also impacted on pedestrian and road user safety and the quality of bus service provided.
- 3.6 This scheme was advertised publicly on 23<sup>rd</sup> July 2021 and 4 objections were received and recorded.

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

The 4 objections below were recorded during the public consultation period.

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

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

##### **1. (*Location of objector: Resident – Snyderdale Road/Eveline Street junction*).**

- States, has multiple occupants, including a disabled child, in the house and requires access to private car immediately outside their house.
- Should not have to park outside a neighbour's house and, 'put them out';
- States has not seen any congestion or access issues for buses in 17 years.
- Believes car insurance premiums will increase due to not being able to park outside own house, as stated on his policy.

##### **2. (*Location of objector: Resident – Lowfield Close*).**

- Will prevent parking outside own house.
- 'Nobody buys a house expecting to not be able to park after a long day at work, unload shopping and generally live a life without the stress of parking'.
- Believes problems relate to visitors at the nearby sports stadium and not residents.
- Requests a 'Resident Parking Scheme'.

##### **3. (*Location of objector: Resident – Snyderdale Road*).**

- Will impact ability to park outside own house.

- Has Grandchild with ‘special needs’ who they need to, ‘get int to the house safely’;
- Believes problems relate to visitors at the nearby sports stadium and not residents.

#### **4. (Location of objector: Resident – Snyderdale Road).**

- Agrees with overall concept of plan.
- Is generally concerned over where some residents will park.

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

*“This scheme has been developed to address inconsiderate and obstructive parking and provide clear visibility on Snyderdale Road and at the junctions of its side roads.*

*Observations have shown that Snyderdale Road and its side roads suffer from inconsiderate and obstructive parking from cars parked on side road junctions.*

*Snyderdale Road already has existing waiting restrictions on a significant length of the eastern kerb line preventing parking. However, where parking on both sides of the road still occurs, the carriageway is narrowed and there is congestion and manoeuvring issues for larger vehicles.*

*This scheme will join up these existing restrictions on the eastern kerb line to further prevent inconsiderate and obstructive parking and a narrowing of the carriageway.*

*A number of houses on Snyderdale Road do not have private off-street parking. The majority of houses have access to off-street private parking and there will still be significant on-street parking available along Snyderdale Road on the western kerb line.*

*Residents are concerned that the proposed restriction will prevent them parking outside their homes; the scheme will only directly affect residents living on the junctions without off-street parking provision. These numbers are limited, and on-street parking is still available very close by.*

*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 restrictions. This option is not recommended for the following reasons:
- Large vehicle manoeuvres will still be obstructed.
  - It will not fully improve safety at the junctions.
  - It will not fully prevent visibility issues at the junctions.
  - 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 junctions.
- It will not prevent visibility issues at the junctions.
- 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 address the concerns of the SYPTE who raised issues regarding traffic congestion and uncontrolled parking at the junctions along Snyderdale Road.
- 8.2 The restrictions will improve and maintain the free flow of traffic in the area by preventing inconsiderate and obstructive parking on Snyderdale Road and its junctions.
- 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

<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 - Traffic Regulation Order and Delegated Powers' Report (TDPR) dated 28 June 2021.

## 15. Background Papers

15.1 Traffic Team file – 4175.

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**Date:** November 2021