

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

**CARRS LANE, NEWLAND AVENUE (and its side road junctions with Ring Farm Crescent, Carrs Avenue, Carrs Drive, Carrs Grove and Ring Farm Place), Cudworth, Barnsley.**

**Proposed 'No Waiting at Any Time' restrictions.**

**Subject**

A planning application was granted, on 28<sup>th</sup> June 2017, for the proposed development of 278 dwellings with associated roads, public open space and landscaping on land off Newland Avenue and Carrs Lane Cudworth, Barnsley.

The planning conditions stipulated that visibility splays shall be safeguarded at the junction of the main access road (Newland Avenue), with Carrs Lane and a side road, Carrs Avenue; such that there is no obstruction to visibility and forming part of the adopted highway.

**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)**

**Maqbool Ahamed -  
Acting Strategic Finance Manager, on behalf  
of Service Director (S151) Officer:**

Signature: Maqbool Ahamed

Date: 01/07/2021

**Date of Decision:**

**Damon Brown – Principle Engineer:**

Signature: [Signature]

Date: 17/06/2021

**Date Approved:**

**Ian Wilson - Head of Highways & Engineering:**

Signature: Ian Wilson

Date: 01/07/2021

## **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

### **CARRS LANE, NEWLAND AVENUE (and its side road junctions with Ring Farm Crescent, Carrs Avenue, Carrs Drive, Carrs Grove and Ring Farm Place), Cudworth, 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 TRO to introduce restrictions on part of Carrs Lane, both sides of Newland Avenue and all its side roads on the new housing development as described in this report and shown on the plan at Appendix 1(Original).
- 1.2** The development is located off the western side of Carrs Lane and on the southern side of the existing Newland Avenue at Cudworth. The site is now undergoing development.
- 1.3** As part of the planning conditions, it is proposed to prevent obstructions at the main Carrs Lane and Newland Avenue junction, protect visibility and provide a safer road environment for all road users whilst keeping the free flow of traffic.
- 1.4** It was further determined to keep the main through road, Newland Avenue, and its side road junctions, verges, and footways clear to prevent obstructive parking within the new residential development.

##### **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 part of Carrs Lane, Newland Avenue and its side roads as described in this report and shown on the plan at Appendix 1 (Original).**
- 2.2** **Any objections be subject of a further report to Cabinet.**
- 2.3** **If there are no objections, 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**

- 3.1** A planning application was granted, on 28<sup>th</sup> June 2017, for the proposed development of 278 dwellings and associated roads, public open space, and landscaping on land off Newland Avenue and Carrs Lane Cudworth, Barnsley.
- 3.2** The planning conditions stipulated that visibility splays shall be safeguarded at the junction of the main Newland Avenue with Carrs Lane, such that there is no obstruction to visibility and forming part of the adopted highway. It is proposed to prohibit waiting on at any time within the new development.

### **4. Proposal and Justification**

- 4.1** To prohibit vehicles waiting at any time on the junction of Carrs Lane and Newland Avenue, and on parts of both sides of Newland Avenue and its side roads.
- 4.2** The prohibition will protect the new residents from obstructive parking and blocked visibility in the new development and will help to maintain the free flow of traffic.

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

- 5.1** Alternative proposals to prevent road, verge and footway parking would be to install bollards, guard rail or restraining kerbs. However, these options are not feasible as other road users such as pram-pushers, wheelchair users, pedestrians and cyclists would not have adequate space and be obstructed.

### **6. Impact on Local People**

- 6.1** The proposed restrictions will prevent obstructive parking and improve the free flow of vehicles.
- 6.2** The restrictions will benefit footway users as they will prevent parking adjacent to the new restriction.
- 6.3** On-street parking will be prevented, but all dwellings have their own off-street private parking.

### **7. Financial Implications**

- 7.1** The costs of advertising and implementing the proposed restrictions is estimated to cost up to **£6,000.00** and is being funded by the developer.

## 8. Legal Implications

- 8.1 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.
- 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 The Local Ward Members, Ward Manager, Emergency Services and Parking Enforcement 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 must 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	Low

	prescribed procedures the risk is minimal.	
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**11. Compatibility with European Convention on Human Rights**

**11.1** It is not considered the proposals have any potential interference with convention rights.

**12. List of Appendices**

- Appendix 1 (Original) – Plan showing the proposals.

**13. Background Papers**

**13.1** Project file – 4143

**Officer Contact:** Darren Storr. Traffic Engineer. Highways.

**Date:** December 2021