



Report to the Chief Officer (Highways and Transportation)

Date: 10 September 2019

Subject: Objection report for S278 Works associated with planning permission for a residential development on land at Ninelands Lane, Garforth

Are specific electoral wards affected? If yes, name(s) of ward(s): Garforth & Swillington	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

- Planning permission 17/00307/FU was granted on 4th January 2018 for a residential development of 241 dwellings on land at Ninelands Lane, Garforth with a requirement as per condition 16 to improve pedestrian crossing facilities and introduce traffic calming features on Ninelands Lane.
- The proposed highway work (see attached plan, 733038-LCC-HWT-XX-DR-CH-01_01) which form part of the planning approval (ref:17/00307/FU) specifically condition 16 were approved at Highways Board in December 2018.
- This report seeks approval to consider an objection received to the s90c Traffic Calming notice relating to the provision of a raised zebra crossing on Ninelands Lane, Garforth (Detailed as Site C) which forms part of the previously approved work.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

Health and Wellbeing

- Encourages physical activity through the promotion of sustainable travel options such as walking and cycling.

Sustainable Infrastructure

- By improving transport connections through opening alternative travel options, there is likely to be a reduction in vehicle drop off at Ninelands Primary School which will improve noise and air quality.

Child- and Age-Friendly City

- Greater independence and choice for children and vulnerable users frequenting the local area.
- Provide safer passage to all pedestrians crossing Ninelands Lane, especially those with mobility issues, parents supporting pushchairs and young and old people.

3. Resource Implications

- The removal or downgrading of the crossing and associated raised feature will have a negative impact on the overall effectiveness of the traffic calming.
- If the above is realised, there may be additional, increased costs to the Council as measures will need to be installed at a later time.
- A redesign of the scheme will have additional time and cost implications which may not be met by the developer.

Recommendations

a) The Chief Officer (Highways and Transportation) is requested to:

- i) Note the contents of this report;
- ii) Consider and over-rule the objections to the Notice advertised and displayed on site under Section 90c of the Highways Act 1980.
- iii) Request the City Solicitor to write to the objectors informing them of the Chief Officer's (Highways and Transportation) decision.

1. Purpose of this report

- 1.1. This report details an objection received against the proposed installation of a raised feature on Ninelands Lane, Garforth as shown on 733038-LCC-HWT-XX-DR-CH-01_01 and detailed as 'Site C'.
- 1.2. The report seeks approval for the Chief Officer (Highways & Transportation) to consider the objection received.

2. Background information

- 2.1. Redrow Homes (Yorkshire) Ltd were granted planning permission (ref: 17/00307/FU) to construct a residential development on land at Ninelands Lane, Garforth. As part of the planning agreement condition 16 requires off-site highway works to be undertaken which includes the upgrade of an existing raised zebra crossing, the introduction of two sets of speed cushions and a new raised zebra crossing along Ninelands Lane.

- 2.2. A report was presented to the Chief Officer (Highways and Transportation) dated 4th December 2018, detailing proposals to introduce a new raised zebra crossing, the upgrade of an existing zebra crossing and the introduction of two new sets of speed calming features.
- 2.3. Ninelands Lane in its entirety is an existing 20mph zone, in addition to this it fronts a local primary school, recreational ground and skate park.
- 2.4. The public advertisement of the scheme was undertaken between 10th July 2019 and 9th August 2019.
- 2.5. One representation was made on the 28th July 2019 with objection to the raised feature situated close to the junction of Ninelands Spur detailed as 'Site C' on the attached plan reference 733038-LCC-HWT-XX-DR-CH-01_01.
- 2.6. A response was sent to the objector explaining the rationale behind the scheme and an explanation provided for the need for such features. Highways Officers attended a site meeting with the objector and a Local Ward Councillor on Friday 16th August 2019 where possible alternatives were discussed. A detailed response was subsequently provided to both the objector and the Local Ward Councillor assessing all discussed alternatives. These are summarised in Appendix A.

3. Main issues

- 3.1. The construction of 241 dwellings is expected to generate an increase in pedestrian and cycling movements across Ninelands Lane, Garforth which has a limited number of formalised crossing facilities.
- 3.2. Speed surveys at this location noted that mean traffic speeds are in excess of the 24mph intervention level and require the introduction of traffic calming features to ensure the existing 20mph zone is self-enforcing. It was proposed that this could be achieved through the introduction of vertical features and raised crossing points.
- 3.3. The developed traffic calming and pedestrian crossing facilities (see attached plan 733038-LCC-HWT-XX-DR-CH-01_01) were approved in December 2018 and form part of the s278 agreement associated with planning application (ref:17/00307/FU) condition 16.
- 3.4. During the s90C statutory consultation period, an objection was received to the raised vertical feature on Ninelands Lane, Garforth on the grounds of increased noise pollution and the feature's visual impact.
- 3.5. A site meeting was held between Highways Officers, the objector and a Local Ward Councillor on Friday 16th August 2019 where discussions were held as to possible alternatives. Additional investigatory work was undertaken following the meeting to assess the feasibility of the options. The outcome is summarised in Appendix A.

4. Corporate considerations

4.1. Consultation and engagement

- 4.1.1. Ward Members: As part of the initial design and cost report, Ward Members were consulted by email, dated 29th March 2018. No comments from the Ward

Members were received. As part of the detailed design process, Ward Members were again consulted by email, dated 17th May 2019, with no comments received. However, objection has been received from a Local Ward Councillor to the s90c notice in support of his constituent.

- 4.1.2. Emergency Services and The Combined Authority: As part of the initial Design and cost report the Emergency Services and The Combined Authority were consulted via email, dated 29th March 2018. No substantive comments from the Emergency Services or The Combined Authority were received. As part of the detailed design process, the Emergency Services and The Combined Authority were again consulted by email, dated 17th May 2019, with no comments received.
- 4.1.3. A site meeting was held between Highway Officers, the objector and a Local Ward Councillor on Friday 16th August 2019 where discussions were held as to possible alternatives. The Objector confirmed at this meeting that he wishes for his objection to the scheme to remain should a possible alternative to the proposals not be reached.

4.2. Equality and diversity / cohesion and integration

- 4.2.1. An EDCI Impact Assessment has been carried out on the Section 278 Process and was detailed in the approved report on 4th December 2018. The assessment confirmed that individual designs put forward as part of this process will take into account the needs of each of the equality characteristics and will aim to meet Section 278 (4) which states that “A highway authority shall not enter into an agreement under this section unless they are satisfied that it will be of benefit to the public”. As part of the design and construction process further equality screenings and impact assessments were undertaken as required.
- 4.2.2. Positive Impact: Introducing the proposed measures would;
- Provide safer passage, whilst crossing Ninelands Lane, to all pedestrians, especially those with mobility issues, disabled people, parents supporting pushchairs and young and old people.
 - Provide greater independence and choice for children frequenting the local primary school.
 - Make it more pleasant to walk or cycle on Ninelands Lane, encouraging a healthier lifestyle for the new and existing community.
- 4.2.3. Negative Impact: Introducing the proposed measures would:
- Potential slight increase of vehicular emissions due to lower speeds.
 - Potential increase of noise pollution along Ninelands Lane which may affect residents in the locality of the traffic calming features.

4.3. Council policies and the Best Council Plan

- 4.3.1. The proposed highway works which allow the development to take place accord with the West Yorkshire Local Transport Plan and other policies in that they provide a safe means of access for all users of the highway, to and around, the development.

Climate Emergency

- 4.3.2. The proposed measures have been designed to provide safer passage for non-motorised users while crossing Ninelands Lane, especially those with mobility issues, parents supporting pushchairs and young and old people.
- 4.3.3. It will allow for greater independence and choice for children frequenting the local primary school and make it more pleasant to walk or cycle on Ninelands Lane, encouraging a healthier lifestyle for the new and existing community and promoting sustainable travel options.

4.4. Resources, procurement and value for money

- 4.4.1. The developer will meet the Council's costs, estimated to be £73,054 works and £26,000 staff fees, all of which is fully funded through the Section 278 agreement and has been given authority to spend.
- 4.4.2. Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and the cost of staff fees - Authority already given to spend.
- 4.4.3. Staffing: The design and supervision of the works can be carried out within the existing staff resources – Authority already given to spend.
- 4.4.4. There should be no additional revenue costs as a result of this capital scheme.

4.5. Legal implications, access to information, and call-in

- 4.5.1. The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.

4.6. Risk management

- 4.6.1. The Council's standard Section 278 agreement is to be used whereby the developer will fund the total cost of the works.
- 4.6.2. If no action is taken or the objection upheld, the road environment around the school for pedestrians and cyclists will not improve and the potential of injury to pedestrians and cyclists will not be addressed. Given the increase of pedestrians and cyclist from the Redrow Development this may exacerbate the issue.

5. Conclusions

- 5.1. The planning permission (ref:17/00307/FU), granted on 4th January 2018, included a requirement as per condition 16 for off-site highway works to be carried out on Ninelands Lane to provide improved pedestrian crossing points and traffic calming features.
- 5.2. The scheme will provide a safer environment around the primary school, recreational grounds, park and residential areas and encourage more sustainable travel behaviours for all highway users.

6. Recommendations

- 6.1. The Chief Officer (Highways and Transportation) is requested to:

6.1.1. Note the contents of this report.

6.1.2. Consider and over-rule the objection to the Notice advertised and displayed on site under Section 90c of the Highways Act 1980.

6.1.3. Request the City Solicitor to write to the objector informing them of the Chief Officer's (Highways and Transportation) decision.

7. Background documents

7.1. None.

APPENDIX A

SUMMARY OF POINTS OF OBJECTIONS TO THE PROPOSED SCHEME

OBJECTION REF:	SUMMARY OF OBJECTION	HIGHWAYS RESPONSE
1	The Objector feels there is a lack of enforcement measures for speeding vehicles on Ninelands Lane.	<p>Speed surveys were undertaken on Ninelands Lane which indicate that speeds are above the intervention level for a 20mph zone, justifying the implementation of traffic calming features to enable the zone to be 'self-enforcing'.</p> <p>The raised traffic calming measures will assist in self-enforcing the 20mph speed limit and reduce the mean traffic speeds along Ninelands Lane.</p> <p>The raised features are spaced in order to ensure there is not an extended stretch of highway that would allow vehicles to gain greater acceleration and therefore greater speed. Removing the raised element of the crossing would therefore limit the effectiveness of the scheme and pose safety issues for both crossing pedestrians and non-motorised users on Ninelands Lane.</p>
	The Objector feels the raised feature will cause a nuisance.	The new zebra crossing is to facilitate the increased pedestrian movements associated with the new housing development. It will provide a safe location for pedestrians crossing Ninelands Lane, specifically travelling to/from Ninelands Primary School.
	The Objector feels there will be an increase in pollution due to the raised feature.	Studies on the issue of increased pollution to date by various bodies have not proved conclusive, with a general view being that there may be a slight increase in vehicle emissions but that this has been offset by the improvement to road safety and the reduction in the number and especially the severity of injury accidents.
	The Objector's family member is ill and the noise generated once the raised crossing is installed will impact this further.	Whilst the pattern of noise may change, in that vehicles tend to slow down, leading to a reduction in noise, the odd bump and clang from vehicles going over the features mean that peak noise levels can be introduced. Overall noise levels tend to remain unchanged.

	<p>The Objector feels there is no need for the zebra crossing.</p>	<p>The location of the new zebra crossing is on a desire line to allow residents of the local area (in particular from the newly developed dwellings) to access the Ninelands Lane Primary School. Currently there is no crossing facility outside the primary school.</p>
	<p>The Objector does not agree with the location of the zebra crossing.</p>	<p>Alternative crossing locations have been investigated, but these are considered not practical due to the required frequency of the raised features and the desire lines of the entrance / exits of Ninelands Primary School. Investigated options also affected both the safety and effectiveness of the scheme.</p>
	<p>The Objector feels the crossing and raised feature will devalue their property.</p>	<p>It is not envisaged that the scheme will devalue the objector's property significantly.</p>
	<p>The Objector is unhappy about the housing development being built and that he has not been consulted about the proposals.</p>	<p>The Objector has previously had the opportunity to comment on the housing development proposals. The highway scheme forms part of planning agreement ref: 17/00307/FU and specifically relates to planning condition 16.</p>