



EXECUTIVE MEMBER DECISION

REPORT OF: Executive Member for Growth and Development

LEAD OFFICERS: Director of Growth and Development

DATE: 10th June 2019

PORTFOLIO/S AFFECTED: Growth and Development

WARD/S AFFECTED: Livesey with Pleasington

SUBJECT: Livesey Branch Road Section 106 works

1. EXECUTIVE SUMMARY

The Council has delivered a highways improvement scheme at Livesey Branch Road / Moorland Drive as part of the Kingswood Homes development. The Council published a Section 90A notice in relation to the introduction of a raised speed table and associated traffic calming measures. The Council and the Executive Member for Growth and Development now wishes to respond formally to comments received.

2. RECOMMENDATIONS

That the Executive Member for Growth and Development:

- 1) Notes the comments received from residents
- 2) Has considered modifications and amendments to the scheme in light of comments received
- 3) Agrees to the scheme's introduction and ongoing monitoring of the situation by Council Officers

3. BACKGROUND

The Council has recently delivered a number of measures in relation to improvements to the highway at Livesey Branch Road including:

- New junction arrangements at Livesey Branch Road / Moorland Drive
- A raised junction table with resin bonded surface dressing
- Footway widening and carriageway narrowing at Moorland Drive
- A new pedestrian refuge adjacent to Old Gates Drive
- Repositioning of a BT manhole chamber and cabinets

The Livesey Branch Road traffic calming measures have been funded by Section 106 contribution from the Kingswood Homes development.

4. KEY ISSUES & RISKS

The Executive Member for Growth and Development is asked to consider the following issues which have been raised in response to the notice issued on site under the regulations contained within the 1980 Highways Act and via the public notices section of the Lancashire Telegraph on 20th December 2018:

Legal Notices:

The Local Highway Authority is authorised by Section 90A of the Highways Act 1980 to put in speed humps and other traffic calming measures on the local highway network. Such matters are not made by Traffic Regulation Order but instead following a period of consultation.

The introduction of traffic calming measures was consulted upon as part of the wider Housing development off Livesey Branch Road, when planning application 10/16/1132 for the new housing estate was submitted and obtained in 2016 as part of the statutory planning process.

Furthermore, the Council, under its obligations under the 1980 Highways Act issued a further notice on site and via the public notices section of the Lancashire Telegraph on 20th December 2018.

Response to the Legal Notice:

Three responses were received by the Council's Legal Services section before the 11th January 2019 deadline, from adjacent properties on Livesey Branch Road (numbers 445, 447 and 449). The issues raised have been attached to this paper in appendix 1 and are responded to as follows:

Planning period:

The Livesey Branch Road traffic calming measures have been delivered as part of the "Phase A – Gib Lane Masterplan" project, planning application 10/16/1132.

The planning application was granted full planning permission on 5th January 2017 as follows: "Land off Livesey Branch Road Blackburn BB2 5BX, Erection of 167 No. residential dwellings, new village green/public open space, provision for a future community building, new access junction to Livesey Branch Road, associated highway infrastructure and drainage attenuation measures forming Phase A of the wider Gib Lane Masterplan site."

Livesey Branch Road residents were formally consulted on the amendments to the planning application by letter on the 28th November 2016. The Council's planning IT system generates a copy of all physical letters which were sent out by Royal Mail second class. The Council does not send such correspondence via registered or recorded post.

Plans for the residential dwellings, new village green/open space, new access junction to Livesey Branch Road and associated highways infrastructure were also available for inspection throughout the planning process at Blackburn and Darwen Town Halls and via the Council's website at www.blackburn.gov.uk/planning

The 15th December 2016 Planning Committee approved the planning application subject to conditions.

Rationale behind the design:

The Council is committed to mitigating the impacts of new housing developments and is responding to wider concerns over traffic levels, congestion and speeds. The design and implementation of the works forms the Council's agreed and approved response through the Planning System.

This form of junction table slows vehicles down on all approaches and the increased plateau length allows longer vehicles to have both axles supported on the hump, meaning a better ride quality which is particularly important on bus routes such as Livesey Branch Road.

The reduced kerb height employed allows wheelchairs and prams to cross at multiple positions, in a prominent position where drivers' perception and awareness is increased.

The junction table, together with central islands on approach are intended to provide a gateway feature and slow traffic down on approach to the new development access. To influence drivers' speed further, the carriageway at this location is narrowed as far as possible whilst still allowing all manoeuvres to be undertaken.

Livesey Branch Road and Speeding:

The Moorland Drive works have been introduced as part of a series of traffic calming measures on Livesey Branch Road, including:

- Green Lane / Livesey Branch Road: mini roundabout introduced as part of the Building Schools for the Future programme
- Moorland Drive / Livesey Branch Road: junction table and associated narrowing of the carriageway, to slow vehicles down
- Safety Camera highway re-marking: which has accompanied recent resurfacing works on Livesey Branch Road.

Noise levels:

The Council has done all it can to limit noise from the new highways arrangements by the use of appropriate materials, deflections and tolerances suggested by the Department for Transport within their Manual for Streets 1 and 2 and Design Manual for Roads and Bridges.

The construction methods cannot, of course, prevent noise from loose panels hitting and dropping off the table, or all noise from vehicles on a busy trunk road.

Pedestrian Access:

Views regarding alternative pedestrian crossings in the local area have been noted. The package of works has been designed to slow traffic down (by narrowing the carriageway, delivering an additional refuge and level junction table) in addition to aiding pedestrians crossing the highway, both from the perspective of existing residents and those from future housing developments in the Gib Lane area in accessing key local facilities, schools and public transport.

The island has been positioned in order to deliver pedestrian crossing and road safety improvements for not only the Kingswood estate, who have funded the scheme through the planning system, but also the residents (young and old) of Livesey Branch Road. Residents from the southern side of Livesey Branch Road and Kingswood will now get a further opportunity to cross to local shopping facilities at Pinewood without crossing Pinewood.

Inconsiderate road users:

The Council does not have any statutory powers relating to “anti-social” behaviour of motorists and is therefore unable to take action against individuals that are verbally abusing residents when making manoeuvres on and off driveways. The Council will continue to monitor road safety at this location on an ongoing basis and will continue dialogue with the Roads Policing Unit of Lancashire Constabulary.

Vehicle accessibility to drives:

The Council has already extended the dropped kerb in front of 445 Livesey Branch Road to accommodate larger vehicles and to improve manoeuvrability to and from the resident’s driveway.

The Council has also reduced the size of the Pedestrian Refuge Island outside 445 and 447 Livesey Branch Road to accommodate greater manoeuvrability of vehicles to and from driveways.

5. POLICY IMPLICATIONS

The scheme accords with the Council’s Local Transport Plan 3 2011 – 2021 strategy in relation to the overarching goals to:

- Support the economy
- Tackle climate change
- Increase safety and security
- Promote equality of opportunity
- Promote quality of life, health and the natural environment

6. FINANCIAL IMPLICATIONS

A significant developer contribution via Section 106 has been received from Kingswood Homes in relation to the development, with a £451,000 commuted sum payment requested as set out in schedule 2 to the agreement. Part of this sum was agreed to be released following completion of the 115th dwelling to cover:

“4 – Highways Works – Balance of construction of new vehicular access onto Livesey Branch Road, including raised table, new pedestrian refuge and footway widening on Livesey Branch Road and associated TROs, accommodation works and traffic management, including the Livesey Branch Road junction construction - £39,190”.

The scheme was approved for progression within the Local Transport Plan 2018/29 programme, signed off at the meeting of the 8th March 2018 Executive Board.

7. LEGAL IMPLICATIONS

The local highway authority is authorised by s90A of the Highways Act 1980 to put in speed humps and other traffic calming measures on the local highway network. Such matters are not made by Traffic Regulation Order but by way of notice. However, this should follow a period of prior consultation in accordance with Highways Act requirements. Accordingly, despite the broad informal consultation of the wider Housing development off Livesey Branch Road, when planning application 10/16/1132 for the new housing estate was submitted, the required prior consultation under the Highways Act 1980 was not technically compliant.

Any comments or criticisms following the publishing of the traffic calming notice have been considered by the Council, as have modifications proposed by the feedback from local residents within this report.

8. RESOURCE IMPLICATIONS

None

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

Information regarding consultations is contained within Section 4 of this report.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of

Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	0.1
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CONTACT OFFICER:	Mike Cliffe, Strategic Transport Manager
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DATE:	29 th May 2019
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BACKGROUND PAPER:	None
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