

Portfolio Holder Decision

Portfolio Decision Objections to Millers Road, Warwick Zebra Crossing

Portfolio Holder	Portfolio Holder for Transport and Planning
Date of decision	18 March 2022
	Signed

1. Decision taken

- 1.1 The Portfolio Holder approves the introduction of a zebra crossing facility as advertised in accordance with section 23 of the Road Traffic Regulation Act 1984 conditional upon the necessary agreement under section 278 of the Highways Act 1980.

2. Reasons for decisions

- 2.1 A planning application (W/20/1405) was submitted to Warwick District Council for a 469 space multi-storey car park development on land to the rear of L Pickering & Sons, Millers Road, Warwick. Planning permission was granted on 05 February 2021 and requires the Developer to provide a new zebra crossing facility in Millers Road. The crossing will be sited at an existing pedestrian crossing / refuge in the vicinity of Wathen Road junction fronting properties 120 and 124 Millers Road.
- 2.2 Where a highway scheme is considered and approved as part of the planning process, the courts have made it clear that the highway / traffic authority is expected to co-operate in its implementation unless some exceptional or changed circumstances call for a different approach. The planning permission could be amended to remove the need for the zebra crossing, but this would require a further planning application by the developer and the agreement of Warwick District Council (which would be guided, but not bound by, the advice of the highway / traffic authority).
- 2.3 The County Council intends to enter into a Section 278 agreement with the Developer to undertake the works. Under that agreement the cost of the works will be fully funded by the Developer.
- 2.4 The Road Traffic Regulation Act 1984, Section 23, requires that before establishing, altering or removing a pedestrian crossing facility, the authority shall consult with the Chief Officer of Police and give public notice of the proposal. A

public notice was published on 6 January 2022 in the Leamington Observer and notices were erected in the vicinity of the proposed crossing. Details were sent to statutory consultees (including the Chief Officer of Police) and to directly affected residents and businesses on Millers Road. The Consultation Plan can be seen in Appendix A.

- 2.5 During the period of the consultation (6 to 31 January 2022) one representation confirming objection to the proposals was received from a member of the public, a local resident.

Warwickshire Police have confirmed they do not object to the proposals.

Local County Councillor – John Holland has confirmed he supports the proposals.

3. Background information

- 3.1 The resident's representation is included as Appendix B.

The resident confirms their support for the provision of a safe crossing facility at the location of the existing crossing, but has raised 3 specific issues.

- 3.2 The following summarises the stated reasons for objection and provides an Officer response to each of the points raised.

- 3.3 With regards to the proposed guard rail outside my property

Resident comments - *There are often vehicles parked in this location. I would require that the council were to enforce illegal parking on the pavement in this location to be addressed. As today there is already an issue with regards to visibility when leaving my drive. With a further increase in footfall and potential for said vehicles to move into a position to obstruct my drive (given the installation of the guardrail). This is a potential issue that could arise from the installation of the proposed crossing.*

Officer Response: The pedestrian guardrail will help to prevent illegal vehicle access to, and crossing of the footway and to deter parking in the footway in the immediate vicinity of the crossing, this is necessary for the safety of pedestrians. Parking Enforcement Officers make regular visits to the area to enforce the existing restrictions and have visited Millers Road on 38 separate occasions in the past 3 months (1 November to 31 January) and issued 3 fixed penalty notices in that period.

Waiting or parking on the new zig-zag markings, when introduced, will be an offence that can lead to penalty points in addition to a fine, the restrictions would be subject to enforcement and issue of a fixed penalty notice. Drivers are more likely to observe 'zig-zag' parking restrictions at a zebra pedestrian crossing than they do the current restrictions of double yellow lines and hospital keep clear markings.

NSL, the Council's Contractor for Parking Enforcement will be made aware of the new crossing and will be requested to make additional visits to focus on this location in particular. Warwickshire Police Safer Neighbourhood Team will also be contacted and requested to monitor the situation following introduction of the crossing.

3.4 Light intrusion due to the installation of the Belisha Beacons –

Resident comments - *These would provide a flashing light that would impinge upon my property. This would be unacceptable from my point of view unless requisite covers were fitted to prevent additional light pollution. I am aware that the oblique angle of the housing on this road may mean that the covers shown in the attachment aren't sufficient to meet this requirement.*

Officer Response: A cover / shield will be provided around the belisha beacon to limit light intrusion into adjacent properties.

3.5 Increase in litter due to an increase in general footfall

Resident comments - *Given the propensity for litter in the area due to the current footfall. An increase in footfall will only exacerbate this. I expect the council to instigate the installation of a refuse point and suitable collection to deal with this.*

Officer Response: The provision of a zebra crossing at the existing crossing location is unlikely to lead to a significant increase in footfall and litter, the new multi-story car park is being provided to cater for NHS staff, a high proportion of these staff are already parking in the area and will be using the existing crossing / refuge. Warwick District Council undertake street cleansing operations including the provision of litter bins in the area. Any request for a litter bin would need to be made to the District Council.

4. Financial implications

4.1 The County Council intends to enter into a Section 278 agreement with the Developer to undertake the works. Under that agreement the costs will be fully funded by the Developer. Approval to add this scheme to the capital programme was given by the Portfolio Holder for Finance and Property at his decision-making meeting on 12 November 2021. However, this was a decision concerning financial and operational management and does not affect the responsibility of the Portfolio Holder for Transport and Planning to consider the merits of the proposed scheme

5. Environmental implications

5.1 The environmental impacts of developer-funded highway schemes are considered through the planning approval process to ensure that the developments are consistent with the principles of sustainability.

5.2 Pedestrian facilities contribute to an integrated sustainable transport network and help reduce conflict between traffic, cyclists and pedestrians, encouraging feelings of safety. These factors are important in encouraging walking and cycling within a community. The design of these facilities takes into account the needs of people with physical and sensory disabilities to ensure equality of opportunity and access.

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Portfolio Holder	Portfolio Holder for Transport and Planning

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

Appendix A – Consultation Plan

Appendix B – representation received

Members and officers consulted and informed

Portfolio Holder – Councillor Wallace Redford

Corporate Board – Mark Ryder

Legal – Ian Marriott

Finance – Andrew Felton

Equality – Keira Rounsley

Democratic Services – Isabelle Moorhouse

Councillors – Seccombe, Roodhouse, Chilvers, Holland

Local Member(s): John Holland