


Portfolio Holder Decision

Objection to Proposed Puffin Crossing A428 Rugby Road, Binley Woods, Coventry.

Portfolio Holder	Portfolio Holder for Transport and Planning
Date of decision	16 June 2023
	Signed 

1. Decision taken

1.1 The Portfolio Holder approves the introduction of puffin crossing facility as advertised in accordance with the Road Traffic Regulation Act 1984, Section 23, conditional upon the necessary Highways Act 1980, Section 278 agreement being in place.

2. Reasons for decisions

- 2.1 A planning application (R18/2076) was submitted to Rugby Borough Council for a 80 dwelling housing development on land to the north of Rugby Road. Planning permission was granted on 20 August 2021 and requires the Developer to provide a new pedestrian puffin crossing facility on Rugby Road, to the west of Ferndale Road, in the vicinity of number 200 Rugby 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 puffin crossing, but this would require a further planning application by the developer and the agreement of Rugby Borough 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 24 November 2022 in the Rugby 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 along this section of Rugby Road. The consultation plan can be seen in Appendix A.

2.5 During the period of the consultation (24 November to 20 December 2022) one representation confirming objection to the proposals was received from a member of the public, a local resident. A further email confirming objection to the crossing from another local resident was received on 4 February 2023 and has been accepted for consideration.

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

2.7 Local County Councillor – Heather Timms has confirmed she supports the proposals.

3. Background information

3.1 The two representations received is included as Appendix B.

The residents have both confirmed they have no objection to the provision of a safe crossing facility to accommodate occupants of the new housing development.

The following summarises the stated reasons for objection and gives response to the points raised.

1.The crossing will be sited near to the busy and narrow junction of Ferndale / Rugby Roads – where people frequently park in the ‘hazard zone’ of this junction and which can become congested during school times

Response: The location of the crossing was identified and agreed at Planning Stage following consideration of a Transport Assessment prepared by the Developers Consultants. The final design of the crossing was identified to be subject to approval by Warwickshire Council as the relevant local Highway Authority, this post Planning stage is referred to as Technical Approval.

The location identified for the crossing considered local constraints including the presence of and proximity to side road junctions, accesses to residential properties the internal layout of the development and other constraints.

Consideration was also given to the likely destinations and direction of travel of residents & visitors on foot looking to gain access to local community facilities. Local destinations within walking distance of the new houses include Binley Woods Primary school to the east, a convenience store and Binley Woods Village Hall to the west of the development. These facilities are all on the south side of Rugby Road, requiring new residents to cross the road to gain access. The crossing will be located to give convenient access to these facilities with a new footway link into the development.

The crossing will be sited 80 metres from the junction with Ferndale Road. Ferndale Road gives access to surrounding residential properties and is observed to be moderately busy at school journey times in the AM & PM peak periods. Any congestion at this junction is unlikely to affect users of the crossing.

A related independent Road Safety Audit (RSA) of the proposals has been undertaken.

This was followed by a Road Safety Audit Review by The Council's Road Safety Team. The RSA process focuses on issues that may have a detrimental affect on the safety of users of the crossing and of other road users. No concerns over the proximity to Ferndale Road were raised during the RSA or RSA Review, only minor concerns were identified, all of which have now been addressed during the detailed design and Technical Review stage.

2. Within yards of the aforementioned junction is the number 86 bus stop. When buses pull up here it already creates a hazard with cars using the junction, and then often trying to overtake the waiting bus(es). The footpath by the bus stop is quite narrow, thus when passengers alight from the bus this leads to 'pavement congestion', particularly when the senior school buses deposit pupils.

Response: No concerns were raised during the RSA mentioned in response to 1 above over the proximity to the bus stop.

3. It is a common occurrence in the mornings, particularly when the articulated lorries pull in to deliver to the one stop supermarket, that a queue of traffic will form along the road, up to and beyond the previously mentioned junctions.

Response: No concerns were raised during the RSA process mentioned in response to 1 above over the proximity to the one stop convenience store or over queuing traffic. The crossing will include zig-zag road markings that signify to drivers it is an offence to park or stop within the zig-zag area, in the main this is well observed by drivers. Non compliance can result in a fixed penalty notice and potential prosecution.

The three points above were also stated as the reasons for objection by the other resident who objects to the proposed crossing location.

In their correspondence, both residents suggested that the crossing should be located closer to Binley Woods Primary School, which is approximately 350 metres to the east of the current proposed crossing location. This would be a significant change from the location agreed at Planning, there is no road safety or other reason to support this alternative location. A crossing closer to the School would also require residents of the new houses heading west towards the convenience store & Village Hall to cross at other potentially less safe locations, although there is an existing puffin crossing along the section of road between the development and the Village Hall that would provide a convenient safe place to cross. This Planning agreed crossing location will provide a convenient crossing facility to accommodate residents walking to all local amenities.

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 22 April 2022. 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 pedestrian and cycling 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.

Report Author	Chris Morton chrismorton@warwickshire.gov.uk,
Assistant Director	Scott Tompkins
Strategic Director	Mark Ryder - Strategic Director for Communities
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 Jan Matecki

Corporate Board – Mark Ryder

Legal – Caroline Gutteridge

Finance – Andrew Felton

Procurement - John Hopper & Mark Baker

Equality – Joanna Kemp

Democratic Services – Isabelle Moorhouse
Councillors – Clarke, Chilvers, Fradgley and Feeney

Local Member(s): Heather Timms