

**CABINET – 18 DECEMBER 2018****WARREN LANE AREA, LEICESTER FOREST EAST AND BARRY  
DRIVE/MAYTREE DRIVE AREA, KIRBY MUXLOE – TRAFFIC  
CALMING SCHEME****REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT****PART A****Purpose of the Report**

1. The purpose of this report is to seek a Cabinet decision on the way forward following consultation of the developer funded traffic calming scheme which is part of the New Lubbethorpe SUE development (Blaby) S106 planning agreement. The purpose of the scheme as stated in the S106 agreement made in January 2014 is to prevent additional through traffic from the development using the adjacent Leicester Forest East (Warren Lane) and Kirby Muxloe (Barry Drive/Maytree Drive) estates.

**Recommendation**

2. It is recommended that:-
  - a) The proposed traffic calming scheme for Warren Lane area, Leicester Forest East and Barry Drive/Maytree Drive area, Kirby Muxloe detailed at Appendix A and B of the report, not be implemented in accordance with the results of the consultation;
  - b) It be noted that the Council has received a petition proposing an alternative scheme (as set out in Appendix C) which it cannot support based on safety concerns identified at paragraph 31 of the report;
  - c) Every effort be made by Leicestershire County Council (LCC) Highways Authority to work with Blaby District Council, the developers and Parish Councils to agree on and deliver an alternative scheme that satisfies the planning requirements and timescales as set out in the s106 agreement.

**Reason for Recommendation**

3. The developers of the New Lubbethorpe SUE development have a Section 106 planning obligation to deliver a traffic calming scheme (speed tables) which will help to prevent additional through traffic using the adjacent Leicester Forest East (Warren Lane) and Kirby Muxloe (Barry Drive/Maytree Drive) estates.

4. This obligation was imposed on the developers in order to help to mitigate the future impact of the development on these communities, acknowledging that there are existing local concerns over through traffic, particularly through the Barry Drive/Maytree Drive estate.
5. During the consultation, a petition of 111 signatures (and a number of public responses to the consultation) was received that did not support the proposed traffic calming scheme and requesting that Leicestershire County Council promote an alternative scheme publicly attributed to Kirby Muxloe Parish Council. This alternative scheme would ban certain turning movements at the junction of Maytree Drive and the A47 Hinckley Road in order to discourage through traffic.
6. The two local members for the Glenfields, Kirby Muxloe and Leicester Forests division, Mr. R. Blunt CC and Mr. L. Breckon CC do not support the original proposals.

#### **Timetable for Decisions (including Scrutiny)**

7. Any scheme is due to be implemented in time to allow the developers to comply with the S106 agreement before the 301<sup>st</sup> occupation on the development, currently expected to be April 2019.
8. The local Highways Authority will work with developers and other parties to establish whether a suitable alternative scheme can be achieved. This needs to be done prior to the 301<sup>st</sup> occupation of housing on the New Lubbesthorpe SUE development or such later time is agreed by the developers and with Blaby District Council.

#### **Policy Framework and Previous Decisions**

9. The scheme is a planning requirement which also contributes to the delivery of Local Transport Plan 3 (LTP3) and the priorities of safety and quality of life.

#### **Local Member Views**

10. Having considered the proposals, the local Members for Glenfields, Kirby Muxloe and Leicester Forests, Mr. R. Blunt CC and Mr L. Breckon CC have indicated that they cannot support the current scheme and would wish to see an alternative proposal developed and implemented which meets planning and safety requirements. The matter is being referred to the Cabinet for determination at their request.

#### **Resource Implications**

11. The developers have commissioned the County Council to act on their behalf to carry out design, consultation and delivery of this scheme.

12. The estimated cost of the proposed scheme is approximately £500,000 and is being externally funded (along with County Council staff time) by the developers of the New Lubbethorpe SUE.
13. Work to develop an alternative scheme may incur additional costs, particularly staff time for design, consultation and implementation. It is anticipated that this would be recharged to the developers.

### **Legal Implications**

14. As the time for compliance with the S106 agreement provisions requiring traffic calming works to be undertaken is anticipated to occur in April 2019 and if the traffic calming is not in place by that date, there is a risk that the traffic calming will not be provided unless the developers agree and the variation/discharge of a S106 agreement provisions will take effect.
15. If a S106 agreement cannot be complied with, it is open to the developers and the local authorities concerned to agree a variation to provide a later time for compliance voluntarily or in default of agreement and where the requirement in question is over 5 years old a developer can apply to the District Council Local Planning Authority for permission to vary/discharge the requirement.
16. The Director of Law and Governance has been consulted in relation to the content of the report.

### **Circulation under the Local Issues Alert Procedure**

Mr. L. Breckon CC, and Mr. R. Blunt CC, for Glenfields, Kirby Muxloe and Leicester Forests

### **Officers to Contact**

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## **PART B**

### **Background**

17. The developers of the New Lubbethorpe SUE development have a Section 106 planning agreement which requires them to deliver traffic calming to prevent additional through traffic using the adjacent Leicester Forest East (Warren Lane) and Kirby Muxloe (Barry Drive/Maytree Drive) estates. The scope of the planning obligation is highlighted for Kirby Muxloe at Appendix D (drawings no. SK/2012/62) and for Leicester Forest East at Appendix E (drawings no. SK/2012/64).
18. This obligation was imposed on the developers in order to help to mitigate the future impact of the development on these communities, acknowledging that there are existing local concerns over through traffic, particularly through the Barry Drive/Maytree Drive estate.
19. The developers commissioned the County Council to act on their behalf to carry out design, consultation and delivery of this scheme.
20. In accordance with the requirements of the S106 planning agreement, the County Council carried out preliminary design on the scheme, which consists of 20 speed tables, 5 junction tables, and a pair of speed cushions. The aim of the Scheme is to discourage additional through traffic, and control vehicle speeds within the estates; a copy of the proposed scheme plans are attached at Appendix A (Kirby Muxloe - drawings no. INFRADELIV-007/Z2/1/1) and Appendix B (Leicester Forest East - INFRADELIV-007/Z2/1/2).

### **Consultation**

21. A pre-consultation was held with the emergency services for their feedback in late 2017. Leicestershire Police did not object to the proposed scheme, and no other responses were received.
22. A full public consultation on this Scheme was carried out in April/May 2018 for 4 weeks and which included nearly 1,700 letters to all affected frontages and the wider communities. Stakeholders were contacted via email and adverts placed in the press and public notices placed on lamp columns.
23. Two public exhibitions were held during April 2018, one each at Leicester Forest East Village Hall and Kirby Muxloe Parish Hall. These were in place as static displays for 3 days, with officers from the County Council in attendance on the third day/evening.
24. During the consultation period a total of 148 people responded and commented on the proposal. Of these respondents, 105 (70%) did not support the proposals. The comments are summarised in Table 1 below:-

<b>Consultee</b>	<b>Response</b>				
	<b>General agreement with proposals</b>	<b>No concerns/objections to the proposals</b>	<b>No reply</b>	<b>Support proposals subject to modification</b>	<b>Do not support proposals</b>
<b>Letter and plan sent to:</b>					
<u>Internal:</u>					
Traffic and Safety Group			1		
Safe and Sustainable Travel Group			1		
Highway Management Group			1		
Transport, Policy and Strategy			1		
Asset Management			1		
Choose How You Move			1		
Environmental Management				1	
Planning Control			1		
Road Safety Education			1		
Highway Records			1		
Traffic Management			1		
Accident Investigation & Prevention			1		
Climate Action			1		
Historic & Natural Environment			1		
Planning Archaeology			1		
Flood Management Team			1		
Forestry and Arboriculture			1		
Business Development			1		
Structures			1		
Communities and Places			1		
Green Infrastructure Team			1		
Traffic Signals			1		
Street Lighting			1		
Area Traffic Control			1		
<u>External:</u>					
Mr E. Agar MP			1		
Mr L. Breckon CC					1
Mr. R. Blunt CC					1

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	<b>General agreement with proposals</b>	<b>No concerns/ objections to the proposals</b>	<b>No reply</b>	<b>Support proposals subject to modification</b>	<b>Do not support proposals</b>
<b>Letter and plan sent to:</b>					
Blaby District Council			1		
Kirby Muxloe Parish Council			1		
Leicester Forest East Parish Council					1
Leicestershire Constabulary				1	
Leicestershire Fire and Rescue Service			1		
East Midland Ambulance Service			1		
Sustrans			1		
Guide Dogs for the Blind			1		
National Farmers Union			1		
The Leicestershire Chamber of Commerce and Industry			1		
Age Concern			1		
Vistablind			1		
British Motorcycle Federation			1		
Road Haulage Association			1		
Cyclists Touring Club			1		
Freight Transport Association			1		
Responses from local residents, road users, businesses, public exhibition response forms	27	6	1552 (approx.)	12	105
Petitioners (Signatories)					111
<b>Total</b>	<b>27</b>	<b>6</b>	<b>1589</b>	<b>14</b>	<b>219</b>

**Table 1:** Details of public consultation

### **Objections**

25. Some of the key issues raised during the consultation included:-

- An alternative scheme publicly attributed to Kirby Muxloe Parish Council should be considered as a more viable option;
- The number and type of traffic calming features is excessive and intrusive;

- Greater consideration needs to be given to the wider traffic congestion implications as a result of continued development in this area;
  - Traffic calming features create noise, pollution and cause pain and distress to drivers with underlying physical ailments;
  - Existing highway features such as private driveways, utility apparatus will be compromised by implementing the scheme;
  - The proposed scheme will have a negative impact on residents quality of life;
  - Why have alternative schemes not been considered, is the proposed scheme the only option available to residents?
  - The proposed scheme will have a detrimental impact on the safety of cyclists;
  - Safety cameras and ANPR cameras should be used instead of the proposed scheme;
  - The scheme will not deter traffic from using the roads in question; and,
  - Why have Forest Rise and Forest House Lane not been included in the scope of the proposed scheme?
26. These comments/objections are detailed, along with Officers' responses, at Appendix F.

### **Petition for Alternative Scheme**

27. A suggestion for an alternative scheme had been raised by a local resident at an early stage and was included in preliminary discussions with Leicestershire Police in late 2017. The alternative scheme proposes a ban on certain turning movements at the junction of Maytree Drive and the A47 Hinckley Road in order to discourage through traffic. Feedback from Leicestershire Police was that they had enforceability / safety concerns and would not therefore support this. Additionally, such a scheme would not address the S106 planning agreement, particularly as not all roads would be covered, and it did not deliver vertical traffic calming. As a result this was not pursued further at that time.
28. During the consultation, a petition of 111 signatures (and a number of public responses to the consultation) was received requesting that the County Council promote an alternative scheme publicly attributed to Kirby Muxloe Parish Council described above and in Appendix G of this report.
29. Whilst not part of the planning requirements, the suggested scheme attributed to Kirby Muxloe Parish Council was given consideration in order to provide an initial view on the proposal. This included preparation and testing of a preliminary design, an independent road safety audit and discussions with Leicestershire Police so that greater understanding of the viability of the alternative scheme could be fed into the consultation process. The proposal is

shown at Appendix C (drawing no. INFRADELIV-007/Z2/1/1 – Maytree Drive Option).

30. In response to continuing local concerns, a meeting was held in late May 2018 with the Clerk of Kirby Muxloe Parish Council, the Lead Petitioner, Leicestershire Police and local County Councillors and local residents, some of whom also sit on the Parish Council, to discuss the revised scheme in detail. It should also be noted that Kirby Muxloe Parish Council made no formal response to the County Council's consultation.

### **Highway Authority Response to Alternative Scheme**

31. It was outlined that this alternative proposal is not a scheme that the highway authority is able to support in its current format due to safety concerns. Officer appraisal of this, together with an independent road safety audit, has highlighted a number of concerns, including:-
- Risk of violation and subsequent enforcement issues for Leicestershire Police;
  - Reduction in accessibility to the estate for local residents, also resulting in potential loss of passing trade for the local shops;
  - Likelihood of diverted traffic using unsuitable routes such as Forest Rise;
  - Traffic turning right into the estate may conflict with traffic exiting the estate;
  - Likelihood of violations by left turning traffic into the estate, particularly by local residents and those wishing to access the shops;
  - Overrunning of the built out footway (by left turning traffic into the estate in violation of the restriction) placing pedestrians at risk of being struck;
  - Potential for U-Turns on the A47 to allow Leicester-bound traffic to enter the Maytree Drive estate via right turn;
  - Right turning traffic (in violation of the ban) out of Maytree Drive may conflict with traffic on the A47 who are not expecting such a manoeuvre; and,
  - This alternative scheme would not satisfy the developers' planning obligation and therefore they would not be obliged to pay for this.
32. While this scheme is unacceptable for the reasons outlined above, if a third party wanted to develop and fund an alternative scheme which could be suitable, including appropriate design, testing, road safety audit, consultation and construction and future maintenance costs, the highway authority would be open to considering this. Any scheme would need to include appropriate analysis and modelling of its impact on the local highway network, together with widescale consultation with affected areas, whilst noting the time constraints associated with the S106 agreement, stipulating that a scheme be in place before the 301<sup>st</sup> occupation on the development, currently expected to be April



2019. Any such scheme would only be approved if considered safe, and would need to discharge the detail of the planning obligations, fulfilling the purpose of preventing additional traffic through the estates.

33. The Maytree Drive estate has comparatively low traffic flows, good compliance with the speed limit and only one slight personal injury accident in the last five years. As such, it would not be a priority for the County Council to fund additional measures at this location in comparison to other sites.

### **Conclusion**

34. In conclusion, due to the majority (70%) of responses objecting to the scheme the local highway authority would not seek to implement the scheme consulted upon.
35. The local highway authority cannot support the alternative scheme due to safety concerns and failure to address the S106 planning agreement.
36. The local highway authority is prepared to work with developers and other parties to establish whether an alternative scheme which is suitable can be achieved prior to the 301<sup>st</sup> occupation or such later time is agreed by the developers and with Blaby District Council; however, there is no obligation on the developers to provide an alternative scheme and consequently there is a risk of no scheme being implemented.

### **Equality and Human Rights Implications**

37. There are no equality or human rights implications arising from this report.

### **Background Papers**

Leicestershire Local Transport Plan 3 Link:

<https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/local-transport-plan>

### **Appendices**

- Appendix A: Scheme Consultation Plans – INFRADELIV-007-Z2-1-1  
 Appendix B: Scheme Consultation Plans – INFRADELIV-007-Z2-1-2  
 Appendix C: Alternative Maytree Drive Proposal  
 Appendix D: Planning Obligation – Indicative Scheme – SK/2012/62  
 Appendix E: Planning Obligation – Indicative Scheme – SK/2012/64  
 Appendix F: Summary of Objections and Officer Comments  
 Appendix G: Petition Front Page

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