

APPEALS PANEL - THURSDAY, 26 OCTOBER 2017

MINUTES OF A MEETING OF THE APPEALS PANEL HELD IN LEVEL 3 CONFERENCE ROOM - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 26 OCTOBER 2017 AT 14:00

Present

Councillor JE Lewis – Chairperson

N Clarke

JC Radcliffe

Apologies for Absence

Officers:

Andrew Rees	Senior Democratic Services Officer - Committees
Jane Dessent	Lawyer
Tony Godsall	Traffic & Transportation Manager
Allen Lloyd	Principal Engineer
Kathryn Mountjoy	Traffic Management Technician
Keith Power	Traffic Management Officer

13. DECLARATIONS OF INTEREST

None

14. PROPOSED INTRODUCTION OF TRAFFIC CALMING AND A PEDESTRIAN CROSSING ASSOCIATED WITH PROPOSED PRIMARY SCHOOL ON PENPRYSG ROAD PENCOED

The Chairperson welcomed all to the meeting and introductions were made and outlined the procedure to be adopted.

The Traffic and Transportation Manager presented the report of the Corporate Director Communities which sought a resolution to the formal objection received in relation to the proposals at Penprysg Road, Pencoed for traffic calming measures and the establishment of a formal crossing in connection with the new Pencoed Primary School.

He reported that a statutory public notice, in respect of the proposed closure of the existing Pencoed Junior and Infant Schools and the establishment of a new school to serve these traditional catchment areas was published on 15 June 2016. He stated that as there were no objections to the proposal, Cabinet at its meeting on 6 September 2016, considered and approved the proposal the published proposal, in accordance with the School Standards and Organisation (Wales) Act 2013. He also stated that as part of the proposals to site the new Pencoed School on Penprysg Road, planning consent was granted on 29 September 2016, subject to a number of planning conditions (P/16/603/BCB). The Traffic and Transportation Manager informed the Panel that the condition which led to the objection under consideration by the Panel is Condition 8 of the planning consent notice and advisory note.

The Traffic and Transportation Manager reported that the reason for this condition and advice note is to ensure appropriate visibility for vehicles whilst exiting the new school access road and to protect the interests of children travelling to school both by bus and car and especially as pedestrians as they are considered a vulnerable group and every effort must be made to protect this group from potential harm. He stated that there had

been a number of road traffic accidents on this section of Penprysg Road in the recent past, of which the principal contributory factor in all cases was excessive speed. He informed the Panel of the proposal for new school to accommodate a total of 611 pupils and the new access road will operate as a one way system and under an advisory 10 mph speed limit. He described the arrangements for a pupil drop off zone and for the staff car park along with the entry and exit positions of the car park which had been selected in view of the need to reduce conflict points and to mitigate the opportunity for pedestrians using drop off spaces to walk through this car park. He also informed the Panel there would be an uncontrolled pedestrian crossing on a raised table arrangement located between the staff car park access point to connect the car park to the school plaza area.

The Traffic and Transportation Manager reported that in order to comply with planning condition 8 and the advisory note a number of options were considered. Guidance (Welsh Assembly Government Circular No 24/2009) and experience had shown that the most effective way of achieving such low speeds on any road was either to design a road with sufficient bends and short straight sections to make higher speeds impossible or to introduce raised traffic calming measures i.e. speed humps/cushions. This was reinforced by the fact that the police will not support 20mph speed limits unless there is physical traffic calming of this nature in place. He stated that given that the new school was being introduced adjacent to the existing straight road that forms Penprysg Road, the first option of significantly changing road alignments was clearly not possible.

He also informed the Panel that other types of calming measures such as priority narrowing were considered, however, such narrowing had been used on busy link roads within residential areas which had led to their removal due to congestion issues caused by such features.

The Traffic and Transportation Manager reported that officers of the Communities Directorate had concluded that the only feasible option to achieve the low speed imperative required by planning condition 8 was to design a scheme which consisted of raised traffic calming measures with a mixture of plateau, cushions, central refuges and hatch markings which together with the additional 20 mph entry zone signs would have the desired effect of causing the majority of vehicles to adhere to the proposed speed limit of 20mph. He stated that it had to be recognised that whatever traffic calming measures were introduced there would be a minority who would attempt to evade traffic calming measures and ignore the speed limit putting both themselves and other road users at risk.

The Traffic and Transportation Manager reported that the Traffic Signs, Regulations and General Directions 2016 required that the spacing of traffic calming measures in 20mph zones should ensure that the zone is self-enforcing and it was essential that any scheme developed was designed to achieve that goal. He stated that the scheme subsequently designed was mindful of the existing commercial bus route serving Penprysg Road and the likely number of school buses accessing the school entrance in future. It also took into account the number of houses and the other community facilities which would be accessed from the traffic calmed area. It was for this reason, in formulating the design; officers had attempted to introduce measures which would have the least impact on vehicles complying with the 20mph speed limit within the zone. It was also the reason for the introduction of the proposed bus-friendly speed cushions and a shallow-humped puffin crossing plateau as the raised features. The scheme had also been designed with particular emphasis to meet the requirements of planning condition 8.

He informed the Panel that letters were sent to the statutory consultees and to persons living in the properties with frontages on to Penprysg Road and affected properties in the

side streets within the extent of the proposed scheme and an objection was received from Mr Howell Guilford. The objections were:

- that the raised plateau on which the proposed pelican crossing would be located could act as a “dam or obstruction” to the surface water run off;
- that the ground level inside no 30 Penprysg Road is significantly lower than carriageway level.

The Traffic and Transportation Manager informed the Panel that a representation had also been received from the police who did not object to the proposal in its entirety. He also informed the Panel that Officers suggested to the objector that a possible solution would be to remove the raised plateau element associated with the pelican crossing to alleviate the issue related to possible flooding and this was agreed with the objector. He stated that the scheme was amended to remove the raised plateau element of the pelican crossing. He stated that a letter was subsequently received from the objector who appreciated that officers had agreed to remove the major traffic calming speed hump at the pedestrian crossing and that the proposal was an improvement. The Traffic and Transportation Manager informed the Panel that the objector also reiterated his previous objections; however the objections were submitted as part of the planning application process and not in respect of the traffic scheme consultation process which was being determined by the Panel. The Traffic and Transportation Manager stated that the objector had also commented that he would not be able to erect scaffolding on the gable end of his property due to the width of footway and post associated with the crossing. The Traffic and Transportation Manager informed the Panel that the footway had been widened and therefore the signal head would not be affected. The objector had also stated that he appreciated that a noise and vibration analysis would be carried out. The Traffic and Transportation Manager informed the Panel this work had been undertaken before the works commenced.

The Traffic and Transportation Manager reported that consultation letters were subsequently sent to the statutory consultees and to residents in Penprysg Road, Wimborne Road and Minffrwd Road showing the amended scheme and copies of the Public Notice were sent to those who had responded to the informal consultation stage. One letter was received from the objector, Mr Guilford and officers met with him to seek a resolution who clarified that he had objected to the proposed method of traffic calming but not to the installation of a 20mph speed restriction. The Traffic and Transportation Manager informed the Panel that officers had considered that the proposed method of traffic calming was the most effective method of controlling vehicular speeds to the 20mph speed restriction. He stated that residents had asked through their MP when the speed cushions would be constructed and a decision was taken by offices to postpone / cancel some of the works until the outcome of the appeals process had concluded. He informed the Panel that this in turn had led to 2 objections being received, followed by a further objection to the objection submitted by Mr Guilford

The Traffic and Transportation Manager informed the Panel that as the works on site progressed it was identified that if the Pelican crossing provided was not brought into operation, an alternative safe means of crossing Penprysg Road would be required and further clarification was sought from the objector, Mr Guilford, in respect of what he was objecting to, who responded to the points raised with him. The Traffic and Transportation Manager stated that the objection appeared to be an objection to the installation of the Pelican Crossing and the decision was made that the Pelican Crossing should not be brought into use and that the Appeals Panel should decide whether the crossing should be implemented. He also stated that an alternative safe means of crossing Penprysg Road was subsequently provided by the Council as a temporary measure. He informed the Panel that given the lack of any other objections from emergency services, bus companies, disabled groups and others it appeared that the

views of the objector were not widely supported in such an important area outside a school.

The Panel asked whether there were any alternatives to the scheme that could be considered. The Principal Engineer stated that both vertical and horizontal alignment had been considered. The alternative of horizontal alignment had been discounted however due to the possibility of drivers increasing their speed to avoid being delayed by oncoming traffic at build-outs. The implementation of twists and turns in the road was discounted as a feasible solution due to the presence of the existing road layout. The Traffic Management Officer informed the Panel that the introduction of speed cameras in that location did not meet the requirements of Go Safe/Welsh Government guidance as would be pre-emptive measure. He stated that the speed camera partnership would need to consider the number of collisions to have taken place in that location in determining whether the criteria for providing a speed camera in that location had been met. The Panel asked the Traffic Management Officer how many accidents were logged on the road and he confirmed that there had been 5 incidents in 5 years and that this level would not satisfy the Go Safe requirements.

The Panel asked whether the location of the pedestrian crossing had been moved. The Principal Engineer confirmed the location of the crossing had been moved to avoid traffic queuing and to avoid traffic lights shining into residents' homes. He stated that the lights had been placed in the location they have as they are located at the gable end of the objector's property.

Mr Guilford informed the Panel that he had not submitted a formal objection but had submitted comments to the proposals. He also informed the Panel that the most simplistic form of traffic calming measures would be the introduction of a speed camera at the location. He stated that he had discussed the location of the traffic lights with the police who had advised that the matter was the responsibility of the Council. Mr Guilford asked whether the police would have objected to the scheme. The Traffic and Transportation Manager stated that the placing of a speed camera is the responsibility of Go Safe, acting on behalf of the Welsh Government. However the area would have to be high risk before the placing of a speed camera would be considered. The Principal Engineer stated that motorists have a tendency to speed up away from speed cameras and that officers did not want traffic speeding on Penprysg Road. The objector stated that in his view this could be avoided by the installation of a camera. Mr Guilford considered that noise and vibration from traffic could cause damage to the stability of the Toll House which dates back to 1875 and also impact on soil compaction.

Mr Guilford informed the Panel that he considered that enlarging the capacity of the current school to 611 pupils would suffice negating the need to construct a new school. He stated that it was his opinion that the re-development was a waste of money. He questioned the need for the introduction of crossing and the location where it had been installed which was not in accordance with the drawings for the scheme. He stated that no amendment could be made to the scheme once the old school had been demolished and he questioned the positioning of the bus stop to serve the school. The Traffic and Transportation Manager stated that officers would prefer school buses to park in the bus stop area by but any buses parking on Penprysg Road would assist in slowing traffic down. Mr Guilford stated that the location of the bus stop would cause traffic to be obscured when a bus was parked there when it could be parked there for up to 5 minutes at a time picking up passengers.

Mr Guilford disagreed with the location of the crossing and questioned what would happen to "grandfather" rights that exist for people who access through the church between Wimborne Road and Penprysg Road. The Traffic Management Officer

informed the Panel that the access is private although it has been in existence for some time as a permissive route.

Mr Guilford asked when the lights at the crossing would be activated. The Traffic and Transportation Manager stated that the lights at the crossing would only be activated following determination by this Panel. Mr Guilford asked if the lights at the crossing could be switched on temporarily to assess their impact on residents and motorists. He expressed concern that the construction of speed humps / cushions would lead to an increase in noise and vibration on the many older buildings in the vicinity, such as the church and chapel, the cemetery wall and cottages adjacent to Penprysg Road. He also believed that speed humps / cushions would lead to increased air pollution in the vicinity with stop / start driving. He questioned the cost of speed cushions and their maintenance and considered that road narrowing would be a better solution.

He was disappointed that there had been no meeting for the residents at Penprysg Road and asked whether any objections to the scheme had been received from other residents. The Principal Engineer stated there had been no other objections to the scheme from other residents and that any objections had to be made in writing. Mr Guilford informed the Panel that his objections were considerable and that he disagreed with the current location of the pedestrian crossing and that it need to be located in the right place. The Panel clarified that Mr Guilford's objections were in relation to the location of the crossing and that he would prefer a speed camera to be placed in the location. The Traffic and Transportation Manager explained that the location did not meet the criteria for the provision of a speed camera, although there had been 5 road accidents, all were non-fatal. The Traffic Management Officer explained that Go safe which is responsible for speed cameras is a partnership of all 4 police forces in Wales, but that the Council is not a partner.

The Panel questioned the positioning of the traffic lights. Mr Guilford stated that the lights were not operational when the lights were commissioned and that he would have liked to have seen the traffic lights switched on for the site visit made by the Panel. Mr Guilford questioned the location of the traffic lights which he believed had not been constructed in accordance with the plan for the scheme and informed the Panel that he had made repeated requests of the officers for a copy of the drawings. Mr Guilford stated that the Council had not defined whether the dimension in the Notice is from the junction point prior to amendment or since amendment. He also stated that both plans refer to the same location and that the centre line of the crossing coincided with the centre of the gable wall of his home, which is immediately adjacent to the footpath. He believed that centre line of the crossing was at least 1.5 metres out of position.

The Legal Officer advised the Panel that the Notice specified the location of the crossing on Penprysg Road. Mr Guilford stated that drawings were correct but that the dimensions stated in the Notice were incorrect. The Principal Engineer informed the Panel that the distance specified had been measured at a tangent point of the kerbside. The Traffic Management Officer explained that the contractor had constructed the crossing in accordance with the drawings. The Traffic and Transportation Manager stated that if there is concern regarding the positioning of the crossing a Highways Officer was currently on site measuring the dimensions of the crossing. The Legal Officer informed the Panel that clarification would need to be sought that the description in the Notice is correct and that the Panel may need to adjourn to verify the dimensions of the crossing stated in the Notice. Mr Guilford stated that he would object to the measurements taken by the Highways Officer as the crossing had not been constructed in accordance with the drawings. He emphasised that the crossing must be placed in the correct location. The Traffic and Transportation Manager commented that the crossing has been located in accordance with the drawing. The Traffic Management Officer commented that the crossing would have been constructed to comply with the

**APPEALS PANEL - THURSDAY, 26 OCTOBER 2017**

Notice. The Traffic and Transportation Manager stated that the location of the crossing would need to be the subject of further investigation, although the objector was now in agreement with the traffic calming measures.

The Panel adjourned at 3.05pm and resumed at 3.25pm.

The Legal Officer advised the Panel that in view of the uncertainty regarding the location of the crossing specified in the Notice, and the Traffic Management Section would arrange to visit the site for the distance specified to be re-checked. The Legal Officer suggested that the Panel should proceed to determine the objection submitted in respect of the proposed traffic calming measures given that the objector had now withdrawn his objection to this element of the scheme. Mr Guilford confirmed to the Panel that this was a sensible course of action.

The Traffic and Transportation Manager in summing up requested the Panel determine the traffic calming measures and reconvene following a further site visit and re-check of the distance specified in the Notice to determine the location of the crossing as the objector now understood the rationale behind the traffic calming measures and had now withdrawn this part of his objection.

Mr Guilford requested clarification of the learner travel route. The Traffic and Transportation Manager clarified that learner travel routes were part of Welsh Government guidance and that learner travel routes and safe routes to school were being reviewed across the County Borough.

In summary, Mr Guilford expressed his concern at the location of the crossing which had not been constructed with the plans. . He also expressed concern that traffic calming measures could lead to an increase in pollution at a time when pot holes across the County Borough required filling. He stated that he had discussed the location of the pedestrian crossing with officers which he considered to be in the wrong location. He accepted that traffic calming measures needed to be put in and that a speed camera would not be provided as it did not meet the criteria. He informed the panel that he had made repeated requests to officers for vibration and noise meters to be placed in his home but this had not been complied with.

The Panel adjourned at 3.35pm and reconvened at 3.45pm.

- RESOLVED:**
1. That the Panel reject the objection received to the proposed raised traffic calming scheme on Penprysg Road and authorise the implementation of the traffic calming scheme as detailed in Appendix F, excluding the pedestrian crossing and;
  2. That the Panel adjourn to consider the objection received in respect of the proposed pedestrian crossing on Penprysg Road following a further site visit and verification of the distance specified in the Notice.

The meeting adjourned at 3.48pm.

The meeting reconvened on Monday, 13 November 2017 at 10.30am.

The Traffic and Transportation Manager reminded the Panel that it had heard evidence from officers regarding proposals for traffic calming measures at Penprysg Road and the establishment of a formal crossing in connection with the new Pencoed Primary School and an objection to those proposals from Mr Howell Guilford at its meeting on 26 October 2017. He also reminded the Panel that at that meeting it had rejected the

**APPEALS PANEL - THURSDAY, 26 OCTOBER 2017**

objection to the traffic calming measures and approved the implementation of these features, and that due to the ambiguity in the way in which the location of the pedestrian crossing had been described in the Public Notice, the Panel would reconvene following a site visit/ and re-check of the distance specified in the Notice to determine the matter.

The Traffic and Transportation Manager informed the Panel that following site visits conducted by officers to the location and measurements taken, Highways officers had met with legal officers. He stated that it was the opinion of the Legal Section that the original description in the Public Notice the location of the pedestrian crossing point was considered to be accurate. However, it was the opinion of Legal Section that Public Notice should be re-advertised with a slightly amended description specifying a precise dimension of the crossing at a point from the junction of Wimborne Road with Penprysg Road. Mr Guilford informed the Panel of his disappointment that the Panel had not undertaken the planned site visit prior to the meeting. He stated that a change in the dimension would not assist at all as there had been no starting point defined from the centre of Wimborne Road for the construction of the crossing, which should have been constructed in accordance with the scheme drawings.

The Legal Officer advised the Panel would reconvene after the proposals had been re-advertised and the period for the submission of representation/objection had elapsed.

Mr Guilford asked whether the lights at the crossing could be switched on. The Traffic and Transportation Manager informed the Panel that the lights could not be switched on as the crossing had not yet been determined by the Panel and could give rise to challenge. Mr Guilford felt that re-advertisement was a meaningless proposal as the drawings for the scheme take precedence.

- RESOLVED:**
1. That due to ambiguity of the distance specified in the Public Notice, the Notice is re-advertised with an amended description to remove any ambiguity in respect of the location of the proposed crossing.
  2. That the Panel adjourn to consider any objection received in respect of the proposed pedestrian crossing on Penprysg Road following re-advertisement of the proposal.

The meeting closed at 15:48