

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO THE APPEALS PANEL

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

26 JULY 2018

#### PROPOSED INTRODUCTION OF A PEDESTRIAN CROSSING ASSOCIATED WITH PROPOSED PRIMARY SCHOOL ON PENPRYSG ROAD PENCOED

##### 1.0 Purpose of Report

- 1.1 To seek a resolution to the formal objection received in relation to the proposal at Penprysg Road Pencoed for the establishment of a pedestrian crossing in connection with the new Pencoed Primary School.

##### 2.0 Connection to Corporate Improvement Objectives / Other Corporate Priorities.

- 2.1 The issue of introducing traffic management and road safety measures supports the aims of Priority 3 Smarter use of Resources "Schools' Modernisation Programme" in the Corporate Improvement Plan. This supports the aim of providing a sustainable education system in school buildings that reduce cost and their carbon footprint. The traffic management and road safety measures are necessary as a direct result of the new school.

##### 3.0 Background

- 3.1 The Appeals Panel report "Proposed introduction of Traffic Calming and a Pedestrian Crossing associated with Proposed Primary School on Penprysg Road Pencoed" dated 26<sup>th</sup> October 2017 (**APPENDIX A**) was compiled and circulated to the appropriate officers and individuals.
- 3.2 The Appeals Panel was convened on the 26<sup>th</sup> October 2017. During the hearing the Traffic & Transportation Manager outlined that there are 3 principal methods of controlling vehicular speeds to the 20mph speed restriction. These being:-
- Introduce into the road alignment sufficient bends and short straight sections to make higher speeds impossible
  - Introduce vertical misalignment into the road ie speed humps/cushions
  - Introduce horizontal misalignment into the road ie to construct buildouts
- 3.3 The Traffic & Transportation Manager stated that Officers had concluded that the introduction of vertical misalignment was the only feasible option i.e. a scheme consisting of raised traffic calming measures with a mixture of plateau, cushions, central refuges and hatch markings. This approach allows constant two way unrestricted traffic flow.
- 3.4 The Traffic & Transportation Manager stated that the introduction of horizontal misalignment i.e. buildouts was discounted due to the possibility of drivers increasing their speed to avoid being delayed by oncoming traffic.

- 3.5 After further discussion the objector withdrew their objection to the traffic calming measures however stated that the location of the pedestrian crossing was incorrect. The objector indicated that there was ambiguity between the public notice, the drawings and the location on site.
- 3.6 Further discussion took place in respect of the accuracy of the dimensions defining the location of the pedestrian crossing in the public notice. The Legal Officer informed the Panel that clarification should be sought that the description in the Notice was correct and that the Panel should adjourn to verify the dimensions of the crossing stated in the public notice.
- 3.7 The Panel adjourned for approximately 20 minutes and upon re-convening the Legal Officer advised the Panel that in view of the uncertainty regarding the location of the crossing specified in the public notice, the Panel should make a further site visit to view the crossing and its dimensions and the Traffic Management Section would arrange for the distance specified to be re-checked. The Legal Officer advised that the Panel should proceed to determine the objection submitted in respect of the proposed traffic calming measures given that the objector withdrew the objection to this element of the scheme earlier in the course of the meeting.
- 3.8 The Panel adjourned for a further 10 minutes and re-convened.
- 3.9 The Panel Chair announced:-
- a) 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** of that report excluding the pedestrian crossing and;
  - b) 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.
- 3.10 The further site visit by the Panel was agreed for Monday 13<sup>th</sup> November 2017.
- 3.11 Following an internal meeting of BCBC Officers from Legal, Traffic & Transportation and Engineering on the 7<sup>th</sup> November 2017, it was agreed that:-
- a) There was a potential ambiguity in respect of the description of the location of the crossing in the public notice.
  - b) A further notice should be published allowing a minimum period of 21 days for the submission of representations/objections.
  - c) The site visit programmed for Monday 13<sup>th</sup> November 2017 at 09:30 hours would be cancelled as it would serve no purpose due to the above decision
  - d) The Appeals Panel would re-convene as agreed on the 13<sup>th</sup> November 2017 at 10:30 hours to further discuss the matter.
- 3.12 A letter was subsequently sent to the objector advising them of the cancellation of the site meeting and the reconvening of the Appeals Panel. (**APPENDIX B**).
- 3.13 The Panel re-convened on Monday 13<sup>th</sup> November 2017.

- 3.14 The Traffic & Transportation Manager informed the Panel that following further site visits conducted by officers measurements were taken and highway officers had met with legal officers. The meeting concluded that the public notice should be re-advertised with a slightly amended description specifying the dimension of the crossing at a point from the junction of Wimborne Road with Penprysg Road.
- 3.15 The Legal Officer advised that the Panel would reconvene after the proposals had been re-advertised and the period for the submission of representation/objection had elapsed.
- 3.16 The Panel resolved:-
- a) 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
  - b) 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.

#### **4.0 Current situation / Proposals**

- 4.1 Following the hearing of the Appeals Panel the objector submitted their own notes of the meeting (**APPENDIX B1**). The following comments are made in response to some of the matters that were made by the objector in their notes:

*“The appeals panel made no attempt to consider the content of the pack item by item”*

The Appeals Panel members would have read the bundle of documents prior to the meeting and the objector was given the opportunity to raise any specific issue that he wanted to at the meeting.

*“It should be noted that I had not received a reply to my letters. I was aware that a neighbour had made a comment regarding the siting of the traffic lights near his house – Mr Lloyd stated that as the objection was not received in writing it was not acceptable. So were the traffic lights re-sited to No 30?”*

Although a preliminary design did show that the traffic signal crossing was sited further north than no. 30 Penprysg Road, on further discussions and a site visit by the Traffic Management Team and the scheme designer on all parts of the design it was agreed that the pedestrian crossing would be sited at the current location. This is the location that the pedestrian crossing process was consulted upon.

*“Both the above plans refer to the same location. The centre line of the crossing coincides with the centre of the gable wall to my home that is immediately adjacent to the footpath.”*

The plans show the approximate location of the crossing and are to indicate that the crossing is adjacent to number 30 not number 23 or number 46 Penprysg Road. The public notice is the document indicates the specific location of the crossing. The plans referred to are replaced by the plan that was issued with the second public notice.

*“The crossing centreline is located at least 1.5m out of position with respect to the above fixed centreline location point”*

As stated above the plans show the approximate location of the crossing. The public notice details the specific location of the crossing. Due to the potential ambiguity in the original public notice, public notice was re-advertised on the 31<sup>st</sup> January 2018.

- 4.2 Public notice (**APPENDIX C**) was published on 31<sup>st</sup> January 2018 and required that objections in writing were to be submitted by the 1<sup>st</sup> March 2018.
- 4.3 Only one representation was received in writing in response to the Public Notice from the resident who had objected to the initial proposal (See **APPENDIX D**).
- 4.4 An internal meeting of officers from Legal, Traffic & Transportation and Engineering was held on Tuesday 6<sup>th</sup> March 2018 to consider the representation received. The agreement reached in that meeting was that the representation received should be considered as an objection requiring the Appeals Panel to be re-convened.
- 4.5 This objection was received on 27/02/18. The following points are made in response to some of the matters referred to in the letter of objection:

*“The controlled crossing has been constructed at the wrong location and the traffic lights commissioned on 1<sup>st</sup> September 2017”.*

The purpose of the 2<sup>nd</sup> notice advertised on the 31<sup>st</sup> January 2018 was to remove any ambiguity relating to the description of the location of the crossing and record the actual position of the crossing “on the ground”. The crossing lights were indeed completed on 01/09/17 but have still not been commissioned as a result of the objector’s previous objection.

*“The above “Scheme Drawing” indicates a Wimbourne Road datum point currently used to identify the wrong location of the controlled crossing”.*

The 2<sup>nd</sup> notice and associated drawing (ref: GC2488-CAP-66-XX-DR-C-0001 revision P02) (See **APPENDIX C and C1**) identifies the actual position of the crossing on the ground with appropriate dimensions given from Wimbourne Road.

*“Please be advised that the dimension of 65metres (71 yards) as shown on the “Scheme Drawing” and in the notice is incorrect”.*

It is not accepted that the description in the notice is incorrect.

*“Further to receipt of the Council’s letter dated the 5<sup>th</sup> June 2017, no variations or notices of change occurred prior to the construction of the controlled crossing”.*

This comment relates to the initial public notice and consequently is superceded by the notice advertised on the 31<sup>st</sup> January 2018.

*“Appeal Panel Meeting at Civic Offices Monday 13<sup>th</sup> November at 10:30am – accepted in unison that the location of the controlled crossing is correct – the decision of an impartial Appeal committee that failed to visit the site”.*

At the Appeals Panel it was agreed that there was a potential ambiguity relating to the description of the location of the crossing in the public notice. The purpose of the 2nd Notice was therefore to remove any ambiguity relating to the description and location of the crossing and record the actual position of the crossing on the ground. Therefore there was no purpose for members of the Panel to visit the site.

*“It should be noted that the control boxes that operate the traffic lights should have been sited on the other side of road, at no additional cost, where they would not have defaced an existing habitable property and especially noting the eventual demolition of the school buildings”.*

In respect of this comment, the control box has been located in its current location because:-

- The footway on the other side of Penprysg Road is cluttered with utilities, particularly drainage utilities.
- The footway on the opposite side of Penprysg Road is quite constricted, despite the control box not being located there.
- The footway on the other side of Penprysg Road is adjacent to the gateway out of the school yard (existing) which was used continuously.
- The current location has a conveniently located power supply.

*“Immediately opposite the relocated bus stop a parking space has been permitted: at the Wimbourne Road junction the kerb line has been extended into Penprysg Road causing traffic to veer towards the centre of Penprysg Road and the parking area – a designed hazard: the bus stop is located in the carriageway that has been narrowed – council’s policy – no bus laybys – Meeting 13<sup>th</sup> November 2017”.*

This comment is not relevant to the authorisation of the proposed crossing.

*“I regard that my response to the Council’s notice and revised drawing dated 2<sup>nd</sup> February 2018, has been written without rancour with the view to a true and final resolution of this continuing matter. The revised drawing attached to your notice verifies the incorrect siting of the controlled crossing”.*

The purpose of the 2nd Notice was to remove the ambiguity relating to the description of the location of the crossing and thus record the actual position of the crossing. The scheme drawing indicates the approximate location of the crossing. It is not accepted however that the drawing is incorrect.

- 4.6 The Legal Officer issued a letter dated 12<sup>th</sup> March 2018 (**APPENDIX E**) acknowledging receipt of the objectors objection.
- 4.7 The objector responded with a further letter dated 16<sup>th</sup> March 2018 (**APPENDIX F**) however all of the points raised in that letter relate to matters that predate the issue of the 2nd public notice or are statements of opinion made by the objector.
- 4.8 The objector issued a further letter dated 30<sup>th</sup> May 2018 (**APPENDIX G**), all of the points raised in this letter have been raised in previous letters.

- 4.9 In view of the lack of any objection from the emergency services, bus companies, disabled groups and any other individual it would appear that the views of the objector are not widely supported in such an important area outside a school.
- 4.10 Officers are satisfied that the appropriate public notice has been given with accurate measurements and that all the appropriate consultation and procedure has been followed in accordance with the relevant legislation.
- 4.11 Officers consider that the current crossing location is the most effective for the following reasons:-
- The safe walking route to the school from the Minfrwwd Road area is via Wimborne Road, Wimborne Crescent onto Penprysg Road and across Penprysg Road into the school access road. The crossing is located on the “desire line”.
  - The current location of the crossing is on the gable end of number 30 Penprysg Road where it has the minimum visual impact as the gable end of number 30 does not have any windows.
  - The current crossing location provides reasonable queuing length for vehicles exiting left out of the school access road.
- 4.12 The Panel is therefore asked to consider the need for the establishment of a formal crossing on Penprysg Road which will enable children to cross the road safely to and from school which will also form part of the Learner Travel Route to the school.

## **5. Effect upon Policy Framework& Procedure Rules**

- 5.1 This report has no effect upon the Policy Framework or the Procedure Rules.

## **6. Well-being of future Generations (Wales) Act 2015 Implications**

A copy of the completed Well-being of Future Generations (Wales) Act 2015 Assessment has been undertaken and is attached as **Appendix H** to the report.

## **7. Equality Impact Assessment**

- 7.1 There are no negative equality implications.

## **8. Financial Implications.**

- 8.1 The cost of the proposed scheme will be funded from the capital highway budget allocation for Pencoed Primary School.

## **9 Recommendations**

The Members of the Panel are therefore recommended:-

- 9.1 to reject the objection received to the proposed Pelican Crossing on Penprysg Road and authorise the implementation of the Pelican Crossing as detailed in **Appendix C**.

**Mark Shephard**  
**CORPORATE DIRECTOR – COMMUNITIES**

**Contact Officer:** Kevin Mulcahy Group Manager Highway Services  
**Telephone:** (01656) 642535  
**E-mail:** kevin.mulcahy @bridgend.gov.uk

**Background Documents**  
**None**