

**BRIDGEND COUNTY BOROUGH COUNCIL**

**REPORT TO THE APPEALS PANEL**

**REPORT OF THE CORPORATE DIRECTOR COMMUNITIES**

**26<sup>th</sup> October 2017**

**Proposed introduction of Traffic Calming and 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 proposals at Penprysg Road Pencoed for Traffic Calming measures and the establishment of a formal 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 cross-cuts a number of aims in the Corporate Improvement Plan. This includes the Strategic Themes *Strong Communities*, where the aim is to 'build safe and inclusive communities' and *Young Voices*, where an objective is that all children and young people are safe. Road safety also forms part of the aims of the Community Strategy to have Strong Communities where there is a reduction in crime and people feel safer in their communities.

**3.0 Background**

- 3.1 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<sup>th</sup> June 2016. The notice was displayed on BCBC's website and at the schools affected by the proposal. This process is in accordance with legislation and follows the Welsh Government's School Organisation Code guidance in dealing with the statutory process.
- 3.2 No objections to the proposal were received and consequently on 6th September 2016, Cabinet considered the published proposal, in accordance with the School Standards and Organisation (Wales) Act 2013 and decided to approve the proposal.
- 3.3 The existing school is on a split site but to undertake the works all pupils and staff have moved into one school until the construction of the new school on the council owned field/playing field to the South of Penprysg Road in Pencoed. The works associated with the new school are currently ongoing and are programmed to be handed over to the Authority in July 2018.

3.4 As part of the proposals to site the new Pencoed School on Penprysg Road, planning consent was granted on the 29<sup>th</sup> September 2016 and was subject to a number of planning conditions (P/16/603/BCB).

3.5 The condition that has led to the objection under consideration today is Condition 8 of the planning consent notice and advisory note to that consent, which state;

*No development shall take place until a comprehensive scheme for traffic calming restricting 85% of traffic speeds to 20 mph on Penprysg Road, between its junction with Minffrwd Road to the north and its junction with Wimborne Road to the south has been submitted to and agreed in writing by the Local Planning Authority. The scheme as agreed shall be implemented prior to the school being brought into beneficial use.*

*Reason: In the interests of highway safety.*

The planning application also included this advisory note which was not a condition

*With respect to condition 8, the scheme should incorporate relocated bus stop facilities, carriageway and footway realignment, pedestrian crossing facilities and vertical displacements, plateaux and include full engineering details including longitudinal and cross sections, construction details, lighting, surface water drainage, carriageway markings, signing, traffic calming features and Stage 2 Safety Audit.*

3.6 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. Therefore every effort must be made to protect this group from potential harm. There has also been a number of road traffic accidents on this section of Penprysg Road in the relatively recent past, of which the principal contributory factor in all cases was excessive speed.

3.7 It is proposed that the new school will accommodate 510 pupils, 31 Special Educational Needs (SEN) pupils and 70 nursery pupils (total 611). The new access road will operate as a one way system and under an advisory 10 mph speed limit. There will be a pupil drop off zone within the grounds of the school and the staff car park is located centrally within the surrounding drop off point and access road. The entry and exit positions of the car park have been selected in consideration of the need to reduce conflict points and to mitigate the opportunity for pedestrians using drop off spaces to walk through this car park. An uncontrolled pedestrian crossing is provided on a raised table arrangement located between the staff car park access point which connects the car park to the school plaza area.

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

- 4.1 To comply with planning condition 8 and the advisory note a number of options were considered.
- 4.2 Guidance (Welsh Assembly Government Circular No 24/2009) and experience has shown that the most effective way of achieving such low speeds on any road is 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 is reinforced by the fact that the police will not support 20mph speed limits unless there is physical traffic calming of this nature in place. Given that the new school is being introduced adjacent to the existing straight road that forms Penprysg Road, the first option of significantly changing road alignments was clearly not possible.
- 4.3 Having discounted alignment changes, other types of calming measures such as priority narrowings were considered. However, such narrowings have been used on busy link roads within residential areas and have had to be removed due to congestion issues caused by such features.
- 4.4 Officers of the Communities Directorate 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.
- 4.5 It is, however recognised that whatever traffic calming measures are introduced there will always be a minority of motorists who attempt to evade traffic calming measures and ignore the speed limit putting both themselves and other road users at risk.
- 4.6 The Traffic Signs, Regulations and General Directions 2016 requires that the spacing of traffic calming measures in 20mph zones should ensure that the zone is self-enforcing and it is essential that any scheme developed is designed to achieve that goal.
- 4.7 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. For this reason, in formulating the design, officers have attempted to introduce measures which would have the least impact on vehicles complying with the 20mph speed limit within the zone. This is the reason why it was proposed that bus-friendly speed cushions and a shallow-humped puffin crossing plateau would be introduced as the raised features.
- 4.8 Having taken all of the above-mentioned factors into consideration, and with particular emphasis on the need to meet the requirements of Planning

Condition 8 for “*traffic calming restricting 85% tile traffic speeds to 20 mph on Penprysg Road, between its junction with Minffrwd Road to the north and its junction with Wimborne Road to the south*”, Officers developed the scheme that is attached as **APPENDIX A**(Drawing no:- GC2488-CAP-66-XX-DR-C-0001)

- 4.9 In accordance with the requirements of the Road Traffic Regulation Act 1984, Highways (Road Humps) Regulations 1999, The Local Authorities’ Traffic Orders (Procedure)(England and Wales) Regulations 1996 and the letters and a plan showing the proposals in Appendix A were sent to statutory consultees in January 2017 (**APPENDIX B**). At the same time, letters and plans were sent to a wide range of additional persons/organisations, including all frontage properties on Penprysg Road and affected properties in side streets within the extent of the proposed traffic scheme. (**Appendix B1**). This was in an attempt to prompt objections/comments on the scheme at a stage where it would be possible with focussed discussion to design out any potential objections at the formal consultation stage. The covering letter requested any written comments should be submitted within 21 days of the date of the letter, being 9<sup>th</sup> January 2017. Therefore submissions needed to be submitted by the 30<sup>th</sup> January 2017.
- 4.10 As a result of the informal consultation for the proposed traffic scheme, 2 representations were received. These were from the Police (Appendix C1) who indicated that they did not object to the proposal in its entirety and from a resident who objected to the proposed scheme on a number of grounds. (**APPENDIX C**).
- 4.11 The aspects of the written representation received from the objector relating to the traffic calming were considered by officers of the Communities Directorate and a decision was made that officers should meet with the objector concerned in an attempt to resolve the objection and a meeting took place on Wednesday 1<sup>st</sup> March 2017. Officers noted the concerns of the objector:-
- 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.
- 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.
- 4.12 The attached e-mail dated 14<sup>th</sup> March 2017 was sent to the objector (**APPENDIX “D”**) and the scheme was amended to remove the raised plateau element of the pelican crossing.
- 4.13 A letter was subsequently received from the objector (attached as **APPENDIX “E”**) indicating the following

- That he appreciated that officers had agreed to remove the major traffic calming speed hump at the pedestrian crossing.
- That he agreed in principle that the proposal was an improvement.
- Advising that his objections are highlighted in his letter of 25<sup>th</sup> January 2017. **This is highlighted in paragraph 4.11 above.**
- That his objections are also highlighted in his letter dated 13<sup>th</sup> February 2017 to the Development Group Planning. – **The letter was submitted as part of the planning application process and not in respect of the traffic scheme consultation process being determined by the Panel.**
- 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 footway has been widened and therefore the signal head would not be affected.**
- That he appreciates that a noise and vibration analysis would be carried out. – **This was undertaken before the works commenced**

- 4.14 Subsequently, and in accordance with the requirements of the Local Authorities Traffic Orders (Procedures) (England and Wales) Regulations 1996 and the Highways (Road Humps) Regulations 1999, consultation letters and a plan showing the amended scheme (**Appendix “F”**) were sent to statutory consultees in June 2017. At the same time, letters and plans were hand delivered to those affected residents in Penprysg Road, Wimborne Road and Mynffrwd Road. In addition, letters attaching copies of the Public Notice were sent to those who had responded at the informal consultation stage.
- 4.15 As a result of the formal consultation for the amended traffic scheme 1 representation was received from a resident. This response is attached as **APPENDIX “G”**.
- 4.16 The representation received was considered by officers of the Communities Directorate and a decision made that officers should meet with the objector concerned, for a second time, in an attempt to identify a resolution and. this meeting took place on Wednesday 5<sup>th</sup> July 2017.
- 4.17 Following the visit, the objector submitted a letter dated 6<sup>th</sup> July 2017, stating that he had objected to the proposed method of Traffic Calming to be applied and not to the installation of a 20mph speed restriction (**APPENDIX “H”**).
- 4.18 Further consideration was given to the objection by officers of the Communities Directorate on receipt of the objectors letter dated 6<sup>th</sup> July 2017. The conclusion reached was that the proposed method of traffic calming comprised in the scheme was the most effective method of controlling vehicular speeds and consequently there was no latitude to agree an alternative compromise solution with the objector. Consequently, the unresolved objection would need to be determined by the Appeals Panel.
- 4.19 Tenders were invited and contract awarded to execute the works associated with the Traffic Calming measures and footway widening and the formal crossing on Penprysg Road. As a result of the proposed Appeals Panel

process to deal with the resident's objection to the proposed method of Traffic Calming, those works associated with the Traffic Order were excluded from the contract works. The works in question being principally:-

- The installation and display of the 20mph Speed restriction signs
- The construction of the speed cushions
- The operation of the Pelican crossing

4.20 As the works progressed residents asked via their Member of Parliament, Mr Christopher Elmore, when the speed cushions etc. would be constructed. A response (**APPENDIX "J"**) was provided explaining that the certain works (as detailed in 4.19 above) were postponed/cancelled until the Appeals Panel Process had concluded.

4.21 This in turn led to 2 residents submitting their objection to the objection that was submitted on 16/08/17 (**APPENDIX "K"**), followed by a further objection to the objection on 22/08/17 (**APPENDIX "L"**).

4.22 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. After consideration by officers of the Communities Directorate it was agreed that a further letter dated 30/08/17 (**APPENDIX "M"**) should be delivered to the objector requesting clarification on the following points:-

- Is the objection to the principle/use of speed cushions in general or to a particular set of speed cushions?
- Was there any objection to the installation of the Pelican crossing?
- Requesting confirmation of the acceptability or otherwise of the Appeals Panel being held in the last 2 weeks of October.

4.23 The objector replied on 31/08/17 (**APPENDIX "N"**) and in respect of the points raised in that letter:

1. In respect of Point 1- The Panel is advised that lights have not been switched on and are awaiting Appeals Panel decision.
2. In respect of Point 2- The Panel is advised that this is not relevant to the Panel as it does not relate to the Traffic Order.
3. In respect of Point 3 -The Panel is advised that this is not relevant to the Panel as it does not relate to the Traffic Order.
4. In respect of Point 4 -The Panel is advised that this is not relevant to the Panel as it does not relate to the Traffic Order.
5. In respect of Point 4 -The Panel is advised that this is not relevant to the Panel as it does not relate to the Traffic Order.

As a result of the content of the letter it was decided that there 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. Alternative safe means of crossing Penprysg Road were subsequently provided by BCBC as a temporary measure.

- 4.24 Given the lack of any other objections from emergency services, bus companies, disabled groups and others it would appear that the views of the objector are not widely supported in such an important area outside a school.

## 5. Conclusion

- 5.1 To summarise, Officers fully accept that the objector has a right to object to the proposed speed cushions and Pelican Crossing, furthermore that and these concerns need to be considered by the Appeals Panel. Officers, however, remain satisfied that a scheme of raised traffic calming including cushions is required on Penprysg Road to meet the planning condition requirements that 85% of traffic should travel at 20 mph and that the proposed scheme is the right scheme to deal with future anticipated traffic flow in this area. There have been a number of road traffic accidents on this section of Penprysg Road in the relatively recent past, of which the principal contributory factor in all cases was excessive speed. Additionally officers remain satisfied that the installation of a Pelican Crossing is necessary.
- 5.2 The panel is asked to take into consideration the alteration that was made to the scheme initially proposed to remove the raised plateau element associated with the Pelican Crossing, following discussion with the objector to alleviate his concerns in respect of drainage outside his property if traffic calming measures are not implemented then it is probable that some vehicles will travel in excess of 20mph on Penprysg Road which would reduce the visibility for vehicles when they are exiting the new school access road and be detrimental to road safety within the vicinity of the proposed new school.
- 5.3 Although the objector does not appear to have expressly objected to the provision of a formal crossing point being provided across Penprysg Road to enable children to cross the road safely to and from school, in view of the contents of paragraph 4.23 above the panel is also asked to authorise the installation of a Pelican Crossing at the proposed location as it is on the desire line for pedestrians traveling to and from the school and will form part of the Learner Travel Route to the school.
- 5.4 The Panel is also asked to take into consideration in its determination that the police fully support the scheme and that no other objections have been received from any person residing in the vicinity of the proposed scheme or from the other emergency services or bus companies.
- 5.5 Officers are satisfied that the raised traffic calming scheme originally proposed (i.e. **Appendix F**) is the only practical scheme that will achieve the planning condition requirement of "restricting 85% of traffic speeds to 20 mph on Penprysg Road, Pencoed" and that the proposed formal crossing is on the desire line for pedestrians traveling to and from the school and will form part of the Learner Travel Route to the school.

## 6. Effect upon Policy Framework & Procedure Rules

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

## **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.

## **9.0 Recommendations**

The Members of the Panel are therefore recommended:-

9.1 to reject the objection received to the proposed raised traffic calming scheme and Pelican Crossing on Penprysg Road and authorise the implementation of the calming scheme and the Pelican Crossing as detailed in Appendix F.

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## **Background Documents**

Pencoed Primary School Cabinet Report 16/09/16  
Planning Decision Notice P/01/16/603/BCB