

10/04015/FUL

Parcel 0058 Cautletts Close, Midsomer Norton

Erection of 112no. dwellings with access from Withies Park (including a new bridge across the River Somer), landscaping and associated works

Date Out: 25th October 2010

Highway Officer: Amanda Hall

I refer to the above planning application received on 30th September 2010.

The proposal involves the creation of a new access off Withies Park, through the demolition of 100 Withies Park, to serve a development of 112 dwellings of a mix of 1, 2, 3, 4 and 5 bedrooms.

The application site is an allocated site (NR15) within the Local Plan for around 110 houses, and therefore the principle of the scale of development proposed has been accepted.

The proposal has been the subject of a pre-application submission, through the Council's Development Team, and negotiations on the form of the access and the on site layout, together with appropriate contributions to highway works and strategic infrastructure have been agreed in principle.

From the Transport Statement it can be seen that the proposal could add 610 vehicle movements (5.449 trips per day per dwelling) to the highway network each day, with a total of 18 arrivals in the am peak, 41 departures in the am peak, 44 arrivals in the pm peak and 27 departures in the pm peak.

The impact of these trips has been assessed at the Steam Mills/Redfield Road junction to establish the capacity of the junction, and the results indicate there is adequate capacity to accommodate the additional traffic generated by the proposed development.

The access from Withies Park is proposed as a standard priority junction with a bridge crossing over the River Somer. The bridge also provides a gateway feature into the main development, which has been developed around a shared space concept, in line with current guidance in Manual for Streets.

The proposed access road from Withies Park achieves a 5.5m carriageway width from its junction with Withies Park for a distance of 19m into the site, where it narrows to 3.25m across the bridge and into the development site. The kerbing across the bridge will be low level (25mm) which will allow for overrunning by emergency vehicles, if the need were to arise, although the 3.25m carriageway width is an acceptable width for service and emergency vehicles, and the adjoining 2.75m wide footway would also allow for access by emergency vehicles, if there was an obstruction on the carriageway itself.

The junction with Withies Park will provide visibility splays of 2.4m by 43m in each direction, which accords with the advice in Manual for Streets.

The site is located within walking and cycling distance of the town centre and a range of local facilities, and Withies Park is also a bus route which will provide public transport facilities into the town and to Bath, Bristol and Frome.

Parking for the 1-bedroom units has been provided with a single dedicated space, with additional visitor spaces indicated nearby, and this level of provision is considered acceptable for this size of dwelling.

The 2, 3, 4, and 5-bedroom plots are generally served by a minimum of two parking spaces each, which is considered to be a generally accepted standard, however, there are 21 of the 2-bedroom and 3-bedroom units which have only a single parking space each, with access to only 10 dedicated visitor parking spaces.

Whilst it is accepted that the parking standards within the Local Plan are maximum standards, and developments should encourage more sustainable modes of travel to the car, the lack of adequate provision for parking for each dwelling, particularly in this development where the availability of on-street parking would be limited, would result in indiscriminate parking and would be unacceptable. It is my view that the 3-bedroom dwellings should have provision for two parking spaces, with the 2-bedroom units preferably having two dedicated spaces, or at least a 1.5 space provision, together with one visitor space for every four 2-bedroom dwellings. This would ensure that the parking needs of the dwellings could be adequately accommodated on plot, with only visitor parking potentially requiring the use of the highways for parking.

The general form of the internal access roads has been agreed, but details of the achievable visibility at each road junction should be indicated on a drawing, in order to demonstrate compliance with current guidance, which should be shown over land that will be intended to be offered for adoption as public highway.

Swept path analysis for refuse and service vehicles should also be submitted for the internal layout, to demonstrate that all such vehicles can be adequately accommodated.

It was also agreed at pre-application enquiry stage that more detailed engineering drawings should ideally be submitted with the planning application, to demonstrate more clearly how the concepts of the shared space roads would be constructed and drained, together with accommodation for street lighting provision. These details have not been included within the current submission, and further details are therefore required.

The scheme has been developed on the basis of shared space principles, where vehicles, cycles and pedestrians will share a common surface, but there is a need to provide a direct pedestrian link between the lane to the south eastern side of the site and the shared space access road, in the general vicinity of Plots 43 and 45, to provide for better permeability within the site for pedestrians. The need for this link has been discussed at pre-application stage, and it is felt that without this link, residents would not be offered acceptable choices for walking in favour of the use of the car, which would be contrary to sustainable development.

The Council adopted the Supplementary Planning Document on Planning Obligations (SPD) in July 2009 which sets out the thresholds of additional trips to the highway network which will require contributions towards on site, local and strategic highway and transportation works.

The threshold is set at developments which will add 20 trips to the network, which for residential schemes, would be based on each dwelling generating 7 trips per unit.

The development of 112 houses, on a site which has had no previous traffic generating use, would therefore be subject to contributions based on 112 dwellings at 7 trips per dwelling, which at a charge per trip of £504.24 would amount to £395,324.16.

In addition to this contribution, any local works required to support the increased multi-modal trips generated by the development and to provide safe access for all users, should also be funded by the development.

The Steam Mills/Redfield Road/Withies Lane junction has been identified as a valuable pedestrian route, but where the facilities are sub-standard. A scheme to improve the junction through some minor realignment of the carriageway and widening of the footway has been agreed, at a cost of £20,000.

In order to encourage public transport usage, the bus stops on Withies Park have been identified as requiring improvement, to secure raised kerbs, shelters and real time information, at a cost of £22,000.

The identified £395,324.16 SPD contribution would be put towards strategic schemes throughout the Council's area, but it has been agreed with the Developers that a significant proportion of the contribution could be secured to fund a scheme, or schemes, in the vicinity of the site, which would deliver improvements for the existing and proposed residents and visitors of the area.

The riverside walk adjoining the site has been identified as a key route for new residents of the development, but there is currently sub-standard lighting of this route, which might discourage its use. The upgrading of the lighting has been considered an important element to offering choices for pedestrians to discourage car usage, and a contribution of £24,000 is therefore sought, and has been agreed to be deducted from the overall strategic highway and transportation measures contribution.

The Council is working with Sustrans to deliver the Five Arches Scheme, which will be an important part of the cycle network in the Midsomer and Radstock area connecting directly from the existing Norton Radstock Greenway. From the NR Greenway there are also links to the Colliers Way (NCN 24) and the proposed Two Tunnels scheme.

The Five Arches Scheme provides a spine route which will link between two large housing estates in the Westfield area, Midsomer Norton High Street, the Leisure Centre and areas of Welton, Paulton, Radstock and beyond. It will provide a recreational route for walkers, runners and a safe area for children learning to cycle. The Scheme is also being considered to provide links to the schools, which would allow for children to walk and cycle to school, and avoid the need for parents and carers to transport children by car.

An estimated cost of part of the route between Withies Lane and Silver Street and Norton Hill School is £134,000, including a crossing on Silver Street, and this was agreed to be deducted from the general SPD contribution with a view to delivering this specific element of the scheme for direct use by new residents.

There is the question of the timing of the commencement and occupation of the development, and the need to complete the Five Arches Scheme, and in the event that

the Five Arches Scheme was progressed and required to be completed prior to the payment of the contribution, I would need comfort that this contribution could be put towards an associated or alternative scheme to deliver sustainable transport measures, or for this amount to be added to the general SPD contribution for strategic works throughout the Council's area. The draft Section 106 Agreement would therefore need to reflect this.

The draft Section 106 Agreement submitted with the application makes reference to the trigger for payment of the highway contribution as prior to occupation. However, the contributions which would facilitate highway works, namely the Steam Mills/Redfield Road/Withies Lane junction improvements (£20,000), the bus stops improvements on Withies Park (£22,000), the upgrading of the lighting to the riverside walk (£24,000) and part of the Five Arches Scheme (or an appropriate scheme to link with this scheme) (£134,000), would need to be secured at an earlier stage to enable the works to be completed prior to any occupation, which would provide the choices of sustainable travel at the outset. It is therefore recommended that the trigger for payment of these contributions should be prior to commencement of the development.

With regard to the payment of the general strategic SPD contribution, I am happy that this could be paid prior to occupation.

Having regard to the above, the principle of development is considered acceptable, and the conclusions of the Transport Assessment in regard to its impact on the surrounding highway network are agreed.

The proposed layout requires some further detail in respect of visibility, swept path analysis and construction details. The parking numbers and their allocation within the development are not considered appropriate and would be likely to result in vehicles parking on the adjoining highways to the detriment of amenity and highway safety.

The Land Drainage Engineer has received details from the applicants' Design Team through the pre-application enquiry stage and I am aware that comments have been made with further details being required. As yet, I am not aware that all details have been agreed, and therefore a condition would be required on any approval given to require the submission and approval of details.

I therefore feel bound to recommend that this application be refused, as submitted, for the following reasons:-

The proposal does not demonstrate that adequate turning facilities for all refuse and service vehicles has been accommodated, which are essential for the appropriate operation of the highway and for highway safety.

Adequate provision has not been made on the site for the parking of vehicles in a satisfactory manner, and would therefore be likely to result in vehicles parking on the highway with consequent danger and inconvenience to all users of the roads.

The proposed development does not provide for adequate pedestrian links throughout the development to achieve optimum permeability, contrary to sustainable development.

The proposed layout does not demonstrate that adequate visibility splays can be achieved at the internal road junctions, which are required to secure the visibility necessary for the safety and convenience of the traffic associated with the proposed development.

Insufficient information has been submitted of the construction details, drainage and lighting of the shared space roads to enable a full and comprehensive assessment to be made.

However, in the event that you are minded to set aside the above objections, or additional and revised information is submitted which addresses the above concerns, I would recommend that any permission is withheld pending the completion of the legal agreement to secure the highway contributions, as set out below:-

£20,000 towards improvements to the Steam Mills/Redfield Road/Withies Lane junction, to be paid prior to commencement of development.

£22,000 towards improvements to the bus stops on Withies Park, to be paid prior to commencement of development.

£24,000 towards the upgrading of the street lighting on the riverside walk, to be paid prior to commencement of development.

£134,000 towards the Five Arches Scheme, or an extension of this scheme, or an appropriate alternative scheme to deliver sustainable transport measures.

£237,324.16 towards general strategic highway and transportation measures.

I would also recommend that the following conditions are attached to any permission granted:-

The garages hereby approved shall be retained for the garaging of private motor vehicles associated with the dwellings and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

The areas allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

The accesses, parking and turning areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Provision shall be made within the site for the disposal of surface water to comply with the requirements of the Flood and Water Management Act 2010, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable drainage.

Prior to the commencement of the development, details of the proposed means of surface water drainage in accordance with SUDS principles, which shall accord with the requirements of PPS25 Development and Flood Risk and the Flood and Water Management Act 2010, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable drainage.

The development hereby permitted shall not be brought into use until the visibility splays at the junction of the proposed access road with Withies Park having co-ordinates of 2.4m 'X' distance and 43m 'Y' distance have been provided clear of obstruction to visibility at or above a height of 150mm above carriageway level of Withies Park. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

Prior to the commencement of the development, details of the bridge crossing over the River Somer shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include plans and supporting structural calculations.

Reason: To ensure the design meets with appropriate standards for an adoptable highway.

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Better, Live Better publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

The applicants should be advised of the need for the development roads to be the subject of a Section 38 Agreement, to secure their eventual adoption.

ADDITIONAL INFORMATION received 2nd November 2010. Further highway comments – 4th November 2010.

I refer to the additional drawings numbered 0215-013, 0215-014 and 13039/5000/C which have been submitted to address my comments on parking numbers, confirmation of swept path movements and visibility.

With regard to the revised parking layout, I would confirm that the parking space numbers have been increased in line with my comments, and are therefore now acceptable.

A drawing has been submitted with swept path analysis for a refuse/service vehicle to demonstrate that such a vehicle can manoeuvre around the proposed highway layout. Whilst it is clear that some areas are tight, particularly along the lane, all areas can be accessed by such vehicles, and I am therefore happy that this is acceptable.

With regard to the submitted drawing indicating the visibility splays for the internal road junctions, it has been shown that all junctions are proposed with 2m by 15m splays.

The advice in Manual for Streets is for a set back X distance of 2.4m to “normally be used in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver’s eye.” It goes on to say that “a minimum figure of 2m may be considered in some very lightly-trafficked and slow speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway”.

The visibility proposed along the carriageway of 15m would equate to speeds of 12mph, as set out in Manual for Streets, which is considerably lower than the 25m for a 20mph road, for which I would have expected this development to be designed to.

Through pre-application discussions, and more recent drawing submissions, on the intended construction of the highways, the Developer has insisted on a tarmac surface. It is a widely held view that the use of a block paved surface alters driver behaviour, with speeds being reduced as a consequence. This is also reflected in Manual for Streets where at 7.2.15 it states “Shared surface streets are often constructed from pavements rather than asphalt, which helps emphasise their difference from conventional streets. Research for MfS has shown that block paving reduces traffic speeds by between 2.5 and 4.5 mph, compared with speeds on asphalt surfaces.”

It is my view that the applicants have not submitted justification for the use of a set back X distance of 2m and the reduced standard of visibility along the road. Furthermore, the applicants have not submitted evidence of other developments that are comparable with the proposal, which have such levels of visibility and have achieved such low speeds that their proposals should be considered acceptable. On the basis of the lack of evidence and having regard to the advice in manual for Streets, I would consider the proposed visibility to be inadequate. However, if the applicants were to consider the use of a block paved surface, which would also be of benefit in terms of the drainage of the site, a reduced distance for visibility from the recommended 25m could be applied.

A typical cross section of the proposed construction of the streets has been submitted, which indicates a tarmac construction and a centrally drained highway. The principle of the centrally drained highway is considered acceptable, however, the detail of the central channel and indeed the surfacing of the highway will need to be the subject of further negotiations and approvals through any subsequent Section 38 technical submission.

I would point out that details of the locations of street lights have still not been submitted, and such details are required for approval at the earliest stage to ensure the street lighting can be designed into the layout, and not added at a later date resulting in compromised locations and adverse effects on the street layout. This, however, could be dealt with by condition.

The applicants' consultant has commented on the request for a pedestrian link in the vicinity of Plots 43 and 45, which had been raised at pre-application stage, and whilst this has been considered, they contend that this would not benefit the scheme significantly and would compromise their design.

The link would provide for easier pedestrian access for a small number of dwellings on the rear lane, and whilst it would obviously be desirable and provide for greater permeability throughout the site, the provision of such a link may not be considered critical in terms of maintaining the design concepts as put forward.

In response to the challenge to the level of highway contributions, as submitted on behalf of the applicants, I would respond as follows:-

I would contend that the contributions sought do accord with the adopted SPD, and the contributions are broken down under the three headings of Access and Local Works, Onsite works, services or incentives, and Strategic Highway and Transport Works.

Access and Local Works

The contributions requested under this heading are £20,000 towards the Steam Mills/Redfield Road/Withies Lane junction and £22,000 towards the improvements to the bus stops on Withies Park.

The junction improvements are considered directly relevant to the proposed development, on the basis that the main pedestrian movement to the local facilities would be along Withies Park/Steam Mills, and this junction improvement would provide improved pedestrian facilities through a widened area of paving and a realignment of the junction to create a safer interaction between vehicles and pedestrians.

The improvements to the bus stops to provide shelters, raised kerbing and real time information is considered appropriate to require as a consequence of the development, whereby the development should encourage sustainable travel, and where improvements to the public transport facilities would encourage the use of the facilities from the outset, and hopefully shift the balance from car borne trips to more sustainable modes.

I therefore do not consider these contributions should be included within the calculated sum for the strategic contribution.

Onsite works, services or incentives

The measure requested under this heading is covered under the suggested condition for the issue of Residents Welcome Packs to all new purchasers to advise of the public transport facilities, pedestrian and cycle routes etc.

Strategic Highway and Transport Works

The contributions requested under this heading are £24,000 towards improvements to the lighting for the riverside walk, £134,000 towards the Five Arches Scheme, and £237,324.16 towards general strategic schemes.

The development abuts the riverside walk and it is intended that residents will utilise this route for access to other residential streets and for leisure.

The Five Arches Scheme was agreed with the Transport Consultant as a valid scheme to contribute towards, which will provide a valuable route, particularly for school children.

With regard to the remaining £237,324.16 contribution, this relates to the identified transport schemes in the SPD, of which the Greater Bristol Bus Network (GBBN) is one. The improvements to the GBBN corridor between Bristol-MSN-Bath would provide valuable transport links for commuters etc. from the proposed development and will encourage a shift to the use of public transport.

2.3.8 of the SPD sets out the works and services that the contributions are sought for, which includes encouraging modal shift to more sustainable modes of travel and improvements to access by walking and cycling.

Whilst the SPD refers to a trip rate for housing of 7 trips per dwelling per day, the Transport Consultant has used a 12-hour trip rate figure in the Transport Assessment of 5.449 trips per dwelling per day, which factored up to a 24-hour figure would be 6.212. The Transport Consultant feels that this figure should be used to calculate the strategic contribution, in line with the discount element of the formula for the calculation of the contribution.

Having regard to the specific improvements that are being sought to improve more sustainable travel modes, and the location of the site in relation to facilities, I am happy to accept this trip rate for calculation purposes.

Therefore, the revised contributions under the Strategic Highway and Transport Works heading would be calculated as follows:-

112 dwellings x 6.212 (trip rate) x £504.24 (contribution per dwelling) = £350,821.95.

The specific contributions towards the Riverside Walk (£24,000) and Five Arches Scheme (£134,000) would be deducted from this sum to give a contribution of £192,821.95 towards strategic transport schemes, namely the GBBN.

For clarity, the contributions requested would therefore be as follows:-

£20,000 towards improvements to the Steam Mills/Redfield Road/Withies Lane junction.

£22,000 towards improvements to the bus stops on Withies Park.

£24,000 towards the upgrading of the street lighting on the riverside walk.

£134,000 towards the Five Arches Scheme, or an extension of this scheme, or an appropriate alternative scheme to deliver sustainable transport measures.

£192,821.95 towards general strategic highway and transportation measures (GBBN).

Having regard to the additional information submitted, and the comments above, I would feel bound to recommend that this application be refused on highway grounds for the following reasons:-

The proposed layout does not demonstrate that adequate visibility splays can be achieved at the internal road junctions, which are required to secure the visibility necessary for the safety and convenience of the traffic associated with the proposed development.

However, this objection could potentially be overcome with an increased set back X distance of 2.4m and either increased visibility splays along the roads, or with the use of a block paved surface material. The applicants may therefore wish to put forward further justification for the visibility, as proposed, and evidence of its safe application, or for an amendment to the splays and surfacing, as suggested above.

Subject to approval of the visibility, I would recommend that any permission is withheld pending the completion of the legal agreement to secure the highway contributions, as set out below:-

£20,000 towards improvements to the Steam Mills/Redfield Road/Withies Lane junction, to be paid prior to commencement of development.

£22,000 towards improvements to the bus stops on Withies Park, to be paid prior to commencement of development.

£24,000 towards the upgrading of the street lighting on the riverside walk, to be paid prior to commencement of development.

£134,000 towards the Five Arches Scheme, or an extension of this scheme, or an appropriate alternative scheme to deliver sustainable transport measures, to be paid prior to the commencement of the development.

£192,821.95 towards general strategic highway and transportation measures (GBBN).

I would also recommend that the following conditions are attached to any permission granted:-

The garages hereby approved shall be retained for the garaging of private motor vehicles associated with the dwellings and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

The areas allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

The accesses, parking and turning areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Provision shall be made within the site for the disposal of surface water to comply with the requirements of the Flood and Water Management Act 2010, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable drainage.

Prior to the commencement of the development, details of the proposed means of surface water drainage in accordance with SUDS principles, which shall accord with the requirements of PPS25 Development and Flood Risk and the Flood and Water Management Act 2010, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable drainage.

The development hereby permitted shall not be brought into use until the visibility splays at the junction of the proposed access road with Withies Park having co-ordinates of 2.4m 'X' distance and 43m 'Y' distance have been provided clear of obstruction to visibility at or above a height of 150mm above carriageway level of Withies Park. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

Prior to the commencement of the development, details of the locations and types of street lighting for the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the highway is adequately lit.

Prior to the commencement of the development, details of the bridge crossing over the River Somer shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include plans and supporting structural calculations.

Reason: To ensure the design meets with appropriate standards for an adoptable highway.

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Better, Live Better publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

The applicants should be advised of the need for the development roads to be the subject of a Section 38 Agreement, to secure their eventual adoption.