

Old Torrington Road/Shorelands Road Junction, Barnstaple

Report of the Head of Highways, Capital Development and Waste

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that:

- (a) no action be taken to improve the roundabout at the present time but that the situation be kept under review**
- (b) developer contribution through S106 of the Town and Country Planning Act 1990 be sought towards the improvement of the junction when the opportunity arises.**

1. Summary

This report advises of the reasons for the introduction of the roundabout, results of a survey undertaken by the previous local county councillor and seeks approval for seeking developer funding to improve the current highway layout.

2. Introduction

A mini roundabout was introduced at the junction of Old Torrington Road and Shorelands Road, Barnstaple as a condition of planning consent for the development of residential properties in Broadclose Road.

Since its introduction there has been some expression of concern by local residents at the safety of the current arrangements and consequently the previous local Member undertook a survey of local residents' views.

This report presents the history of the site, the design of the roundabout, results of safety audit, results of survey, safety record of the junction and proposed method of addressing the concerns raised.

3. Background

A planning application was made for the development of residential housing on Broadclose Road in July 2005 which included the proposal for a mini roundabout at the Shorelands Road Junction which would act as traffic calming and address the substandard visibility for a normal priority junction from Broadclose Road.

The application was refused by the local planning authority (North Devon Council) on 18 January 2007 for the following reason "In the opinion of the Local Planning Authority as the visibility splay at the junction from Broadclose Road into Old Torrington Road (is) inadequate, the proposed roundabout required to address the problem would cause vehicular difficulties to properties adjoining it and, therefore, the scheme would be unacceptable".

The applicant appealed on the basis that the application had not been determined by the local planning authority within the prescribed period of a decision on an application for planning permission.

The Planning Inspector allowed the appeal on 2 March 2007 and consequently the mini roundabout was required to comply with the planning consent. A copy of the decision is attached as Appendix I to this report.

The design criteria for the Broadclose Road junction and roundabout were in accordance with *Places Streets and Movement- a companion guide to Design Bulletin 32: Residential roads and footpaths* which has been superseded. The roundabout was designed and visibility at the junction was compliant with this standard. The proposals were checked by County highway design engineers and the design agreed prior to construction.

A post construction safety audit was undertaken January 2010 by Devon County Council highway safety auditors.

3 Issues were identified as being of concern:

- (a) alignment of kerbs which combined with a view through the roundabout causes drivers to go straight through and not circulate;
- (b) need for directional signing to the crematorium;
- (c) relocation of the give way line in Shorelands Road to improve visibility.

The points were considered but due to the fact that the developer had complied with the agreed design no further action was required of the developer. No proposal to enhance the junction with county funds was taken forward.

The safety of the junction has been monitored since its installation and a review of collision data has been undertaken. There had been no recorded collisions at the roundabout until the end of 2011 which the latest year of officially verified data. The preliminary report for the 2012 calendar year also shows that there have been no reported collisions.

Old Torrington Road is in an area that is subject to future residential and commercial development. There are a number of potential development sites from which S106 monies could be sought to facilitate improvement of the Shorelands Road/Old Torrington Road junction due to the additional traffic movements that will be generated.

4. Consultations

In March 2013 a questionnaire was distributed to residents of the Shorelands Road /Old Torrington Road area. 164 responses to the questionnaire were returned to Devon County Council.

161 responders believed the roundabout to be dangerous. The concerns expressed as comments were concerned with a lack of visibility when exiting Shorelands Road (50), that users of Old Torrington Road ignore the roundabout and vehicles that are on it (25) and a number of responders sought to have the roundabout removed (24). There were 13 comments on the speed of vehicles.

The result show the level of concern at the current arrangements

5. Financial Considerations

The cost of the improvement of the roundabout is currently considered to be in the order of £25,000 subject to detail design. There is currently no budgetary provision for these works

in the County's highways programmes. Given the development that is to occur in the area in the near future there is potential for the improvement to be funded by developer contribution.

6. Sustainability Considerations

Improvement of the junction would enhance the safety of the community and improve the junction to accommodate future increases in traffic.

7. Carbon Impact Considerations

This scheme will have a neutral impact.

8. Equality Considerations

There are no specific equality considerations

9. Legal Considerations

There are no specific legal considerations

10. Risk Management Considerations

The risk to the County is low. Whilst there are concerns at the layout of the roundabout its design complies with design standards and it is appropriately signed

11. Options/Alternatives

Three options have been considered for the junction. Maintain the status quo, revert to the original priority junction which was in place pre development or improve the existing junction arrangement.

Reverting to the original priority junction has been discounted due to it being introduced as a condition of planning consent. Such action would reintroduce the issue of visibility from the end of Broadclose Road

Maintaining the status quo would not address the concerns raised at safety audit nor would it be supported by the local community in the long term.

Improving the existing junction arrangement to address the concerns identified by the safety audit would improve the visibility onto and from the junction which would enable the junction to accommodate growth in traffic due to development.

12. Reason for Recommendation/Conclusion

The mini roundabout in its current arrangement has issues that were identified in safety audit and is unpopular with the local community. It therefore considered appropriate that these issues are addressed.

Changes to the layout of the roundabout are expected to cost in the order of £25,000. Funding has not been identified from County highway budgets. However in light of the collision data for the roundabout it may be considered acceptable to maintain the status quo in the short term in the anticipation that funds will become available from developers in the near future to facilitate the improvements to the junction.

David Whitton
Head of Highways, Capital Development and Waste

Electoral Division: Barnstaple South

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Reference
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None

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sc/cr/Old Torrington Road
04 hq 030613



Appeal decision

Hearing held on 20 February 2007

Site visit made on 20 February 2007

by **Robert A Luck** BSc CEng MICE DipTE MIHT MEWI

an Inspector appointed by the Secretary of State for Communities
and Local Government

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Date: 2 March 2007

Appeal Ref: APP/X1118/A/06/2023393

18 Old Torrington Road, Sticklepath, Barnstaple, EX31 2DD

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is brought by Steven Edwards against North Devon District Council.
- The application (ref: 40661) is dated 25 July 2005.
- The development proposed is a single dwelling with a private drive and garage, with an improvement to Broadclose Lane and the construction of a mini-roundabout on Old Torrington Road.

Summary of decision: The appeal is allowed and planning permission granted, subject to conditions set out in the formal decision.

Procedural Matters

1. The application is for outline permission, with siting and access to be determined and with design, external appearance and landscaping reserved for future consideration.
2. Although the application refers to Broadclose Lane, the length of street in question is formally designated as part of Broadclose Road and, for consistency I shall so refer to it.
3. Highway works relating to the proposal are the subject of an Agreement under S106 of the Town and Country Planning Act 1990 and other legislation, between the Owner and Mortgagee, and Devon County Council. These works include improvements described in the application and shown on the plan forming part of the Agreement (Drawing No 2513/S106/1), and a Traffic Regulation Order for "Access Only" to Broadclose Road and Rhododendron Avenue.
4. A second application for a similar proposal on the same site was registered by the Council on 4 September 2006. Planning permission was refused on 18 January 2007 for the following reason: "In the opinion of the Local Planning Authority as the visibility splay at the junction from Broadclose Road into Old Torrington Road (is) inadequate, the proposed roundabout required to address the problem would cause vehicular difficulties to properties adjoining it and, therefore, the scheme would be unacceptable." The Council indicated at the hearing that, had it been able to determine the application subject of this appeal, it is likely that it would have issued a refusal for the same reason.
5. My attention has been drawn to an appeal (ref: APP/X1118/A/04/1151169) which was dismissed on 2 December 2004. Though this too was for residential development off

Broadclose Road, other circumstances were different from those of the present appeal, which is determined on its own merits.

The Main Issue

6. I consider the main issue in this appeal to be the effect of the proposal on the safety and convenience of users of the highways in the area

Planning Policy

7. The Development Plan for the area comprises the Devon Structure Plan 2001 to 2016 (2004) and the North Devon Local Plan 1995-2011 (July 2006). Structure Plan Policy ST4 requires infrastructure necessary for development to be put in place through part or full financial contributions from the developer. Local Plan Policy TRA6 sets out general highway considerations for development, which centre on the importance of safety for highway users and the impact of any necessary highway improvements on the character and setting of the locality.
8. Guidance on visibility standards at junctions is included in *Places, Streets and Movement – A companion guide to Design Bulletin 32: Residential roads and footpaths* (PSM).

Reasons

9. The proposal includes the erection of a single dwelling within part of the present rear garden of 18 Old Torrington Road. Access would be from a short spur of Broadclose Road which has a junction with Old Torrington Road. There are unrestricted public rights over this spur but it is in private ownership and not maintainable at the public expense. Its surface, in shared use by pedestrians and vehicles, is basically of bound material, but it is poorly maintained and heavily potholed. Even if the present proposal did not proceed, it is highly likely that resurfacing work would have to be undertaken in the interests of public safety. It would certainly be unreasonable to leave it in its present state as the sole means of pedestrian and vehicular access to the proposed dwelling, and to that extent I consider that the proposed carriageway work to the spur is necessary to the residential development of the appeal site.
10. The spur is part of the shortest route between the northern part of Old Torrington Road and the housing around Broadclose Road proper and Rhododendron Avenue. This route would become considerably more attractive were the spur to be repaired. This potential increase in traffic, arising from the necessary surfacing improvements, is in turn justification for the proposed widened passing spaces and separate footway in the spur itself as an adjunct to the development of the proposed dwelling. The route as a whole is also a short cut between Old Torrington Road and Bickington Road which avoids a fairly heavily trafficked junction. Without measures to prevent rat-running, the level of through traffic is likely to have a harmful effect on the safety and living conditions of residents of the area. For this reason, I agree that the traffic regulation orders forming part of the S106 agreement, restricting use of the roads to access only, would be required to overcome these potential problems.
11. Drivers exiting the junction of the spur with Old Torrington Road have visibility to the right (southwards) in excess of 2.4m x 90m, but to the left (northwards) of only 2.4m x 45m, the minimum recommended by PSM for a road with traffic speeds of no more than 40kph, or approximately 25mph. I have no evidence that there is an accident record associated with

the existing level of use of the junction between the spur and Old Torrington Road. However, I have concluded above that the volume of traffic exiting this junction would be highly likely to increase as a result of the present proposal. I note that two surveys have found the 85%ile speed of Old Torrington Road traffic to be about 30mph and about 26mph respectively. I consider it would not be appropriate to risk prejudicing safety by adopting the lower speed as a basis for determining the requisite visibility at this junction. In these circumstances the development should not proceed without addressing the 45m shortfall in the northwards visibility at the junction, or the speed of passing traffic, or both. To do so would be to bring about an unacceptably increased risk to the safety of highway users.

12. The proposed introduction of a kerbed footway near to the junction within Old Torrington Road would enhance the safety of pedestrians and bring the "Give Way" line forward. However, the extra 5m or so of visibility thus provided would only have a limited effect on the risk arising from the potential conflict between turning and through traffic.
13. The use of speed humps has been ruled out, I consider rightly, because of the use of the road by buses and as the sole means of access to the crematorium. The only other speed reduction measure whose potential effectiveness is supported by substantive evidence is the mini-roundabout at the nearby Shorelands Road junction which is included in the proposal. This would have the effect of slowing down southbound traffic. It would also confine that traffic to the eastern side of the Old Torrington Road carriageway. In this way, the effective visibility distance would be increased because, with the possibility of vehicles travelling southwards on the "wrong" side of the road in order to overtake ruled out, the visibility distance may be taken to the centre line rather than the near kerb line. I conclude that the proposed mini-roundabout would be a necessary part of the proposed development as providing for the safe use of the improved spur of Broadlands Road.
14. There are private driveways within and close to the position of the proposed roundabout, but it is in the nature of mini roundabouts that they are frequently installed at junctions in urban or suburban areas where such circumstances are not uncommon. However, the relevant residents have expressed considerable concern about the effect of the roundabout on their safety and convenience. I understand their anxiety about the effects of the proposed change in conditions and have given careful consideration to the specific points they and their local Councillor have made, both in writing and at the hearing. I have also considered the reduction in traffic speeds past their entrances which would ensue from the proposal, the "shielding" effect of the build-out to the south of Nos 10 and 12 and the extra carriageway width available outside those two driveways, which would provide space for northbound vehicles to pass those manoeuvring in or out, or even parking to drop off passengers. I also note that those wishing to turn right into accesses would be still be able to do so by crossing the white road markings and consider that, with reduced approach speeds, there is no reason why such manoeuvres should be any more risky than at present.
15. I conclude that the overall effect of the proposed roundabout would be to increase the safety of users of these accesses. I further consider that, though there may some inconvenience whilst access users become accustomed to such adjustments as they may need to make, such inconvenience would be limited in both extent and duration. I note that school coaches park along Old Torrington Road during the afternoon but I see no reason why the proposed roundabout would cause any problems in this respect since, even if they parked within its limits, vehicles would still be able to pass over the road markings.

16. I further conclude that the proposed development as a whole would not harm the safety and convenience of any users of highways in the area and would therefore comply in this respect with Structure Plan Policy ST4 and Local Plan Policy TRA6.

Other Considerations

17. Concerns have been expressed about the environmental impact of the roundabout. Vehicles slowing down, stopping and accelerating away could well bring about some increase in noise and fumes locally, but this has to be set against the existing background levels which include the effects of traffic using the existing junction. In the absence of substantive evidence of measurable harm I can give these concerns only very limited weight. Visually, I do not consider that the proposed roundabout would be so out of place in this suburban setting as to bring the proposal into conflict with Local Plan Policy TRA6.

Conditions

18. I have considered the conditions suggested by the Council and also the advice in Circular 11/95. The proposed house would be in close proximity to the rear gardens of three other dwellings, so that control over the provision or insertion of windows on the first floor of the relevant elevations should remain with the Council. The highway authority has approved in principle the details of the drainage of the improved roadway. However, capacity calculations have not been undertaken and it is possible that some form of run-off attenuation or soakaway provision may be required. Such details, which may involve percolation tests, should be agreed before development commences. For the avoidance of doubt, I agree that a condition should be included identifying the relevant highway works as those shown on the drawing included in the S106 agreement.

Conclusions

19. For the reasons given above and having regard to all other matters raised I conclude that, on balance, the appeal should succeed.

Formal Decision

20. I allow the appeal and grant planning permission for a single dwelling with a private drive and garage, with an improvement to Broadclose Lane and the construction of a mini roundabout on Old Torrington Road, at 18 Old Torrington Road, Sticklepath, Barnstaple, EX31 2DD in accordance with the terms of the application reference 40661 dated 25 July 2005 and the plans submitted therewith, subject to the following conditions:
- (1) Approval of the details of the design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
 - (2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
 - (3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

- (4) The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no windows or other openings shall be constructed or altered above the ground floor of the west, south and east elevations of the dwelling hereby permitted, other than those expressly approved in respect of the reserved matters submission.
- (6) No development shall commence until drainage details, including any necessary percolation tests, have been submitted to and approved in writing by the local planning authority.
- (7) All the matters included in the Agreement under S106 of the Town and Country Planning Act 1990 between Devon County Council and Heanton Estates Limited and National Westminster Bank PLC, dated 15 February 2007 shall be carried out in full accordance with Drawing No 2513/S106/1, forming part of that Agreement, except insofar as agreed amendments to the drainage system resulting from compliance with condition 6 above may be substituted for those shown on that drawing.

RA Luck

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Barnet BA MRTPI	North Devon District Council (Planning Authority)
Mr P Young	Room 611, Civic Centre (Devon County Council), Barnstaple, EX31 1EA (Highway Authority)
Mr G Stephenson	North Devon District Council (Planning Authority)

FOR THE APPELLANT:

Mr Martyn Iles BSc CEng MICE MIHT	52 Ridgeway Road, Long Ashton, Bristol, BS41 9ES (Agent)
Mr Steven Edwards	Blossoms Rest, Wrafton Road, Braunton, EX33 2BT (Appellant)

INTERESTED PERSONS:

Cllr D D Brailey MBE	31 Maple Grove, Roundswell, Barnstaple, EX31 3QP (Ward Councillor)
Mr Larry Morgan	20 Old Torrington Road, Barnstaple, EX31 2DD
Mr K G Jeram	10 Old Torrington Road, Barnstaple, EX31 2DD
Mrs J M Jeram	10 Old Torrington Road, Barnstaple, EX31 2DD
Mr A Campbell	8A Broadclose Road, Barnstaple, EX31 2DN
Mrs Campbell	8A Broadclose Road, Barnstaple, EX31 2DN
Mr R James	14 Old Torrington Road, Barnstaple, EX31 2DD
Mr S J Smith	12 Old Torrington Road, Barnstaple, EX31 2DD (Site visit only)

DOCUMENTS

- 1 Notification letter with details of hearing, dated 23 January 2007, submitted by the Council
- 2 Agreement under S106 of Town and Country Planning Act 1990 between Devon County Council and Heanton Estates Limited and National Westminster bank PLC, submitted by the appellant
- 3 Extracts from Highways Agency: *Design Manual for Roads and Bridges Volume 6 Section 2 Part 3 TD16/93*, relating to visibility requirements for roundabouts, submitted by the appellant.