

Mr S Harvey
Newington Parish Council
09 January 2022

Dear Mr. Harvey,

**21/505722: Proposed Development of 46 Dwellings at 128 High Street, Newington:
Response to Highways Review, Project Centre 16/12/22**

I have reviewed Project Centre's Technical Note, 'Highways Review' that provides an assessment of the transport and highways matters relating to the above proposal. Although the Technical Note purports to have considered the matters that I have previously raised, it is clear that this is not the case. I set out my reasons below. My references to paragraph numbers refer to the Project Centre Technical Note.

I have previously pointed out that the visibility splay to the east from the proposed access is drawn over third party land and thus cannot be guaranteed into the future. The Technical Note acknowledges my concerns (para. 3.8) and even states that, *'the applicants drawings are based on OS mapping, which does come with a degree of inaccuracy and does not accurately depict the existing wall at 132 High Street'* (para. 3.11). Despite this, Project Centre entirely fails to consider the consequence of this; that the necessary off-set of the visibility splay into the carriageway in order to achieve a safe visibility splay will be **greater** than the 0.29m identified by the applicant.

I note that Project Centre consider that, *'It is unlikely that [132 High Street] will build the wall out any further as this would block their off-street parking access'* (para. 3.9). However, whereas the wall is currently required to be absent along part of the property frontage to allow a vehicle to access the parking space, with the proposed arrangement the wall can be extended along the entire property frontage without it obstructing the parking manoeuvre. It is therefore **more** likely that an owner will extend the wall further to the west if the development goes ahead despite any such action further restricting visibility for drivers turning into the access road from the east. The existing and proposed parking manoeuvres are shown clearly on the swept path drawings attached as Appendix B of DHA's Transport Technical Note, March 2022.

My concerns about visibility are increased further by Project Centre's recommendation that, *'If the proposal is to be granted planning permission, we advise that a condition is attached requiring the visibility splays to be reassessed using topographical data to ensure confidence in accuracy of the achievable splays'* (para. 3.10). It is essential that there is confidence in the accuracy of the achievable splays **before** any proposal is granted planning permission. It is unacceptable that there remains a risk that safe visibility splays cannot be achieved. It is also contrary to paragraph 56 of the National Planning Policy Framework (NPPF) that states that conditions should only be imposed if they are **enforceable**. In this case it may not be possible to achieve a safe visibility splay and thus

any Condition to achieve safe visibility might not be enforceable. The work to undertake a topographical survey and produce an accurate drawing showing achievable visibility should be undertaken before the application is determined. Project Centre should have recommended this course of action.

Project Centre has also failed to provide clear advice on the issue of parking at 132 High Street. My earlier concern about the safety of accessing the parking area from the development access road is acknowledged (para. 3.14) and Project Centre agrees that no evidence has been presented to show that there is safe visibility for a car turning left into the access road when the road is obstructed by a vehicle accessing the parking space (para. 3.15). However, the matter is dismissed by Project Centre on the basis of site traffic flows being '*low and conflict between these two movements would be unlikely*' (para. 3.17) and on the basis that there is no alternative arrangement. The latter argument has no merit since the alternative is that planning permission is refused to avoid unacceptable safety impacts. The former argument is very difficult to sustain since there will inevitably be conflict. The proposed development will generate around 200 vehicle movements per day and 132 High Street is likely to generate around 5 vehicle movements per day¹. There may not be conflict every day but conflict will inevitably occur. This conflict may lead to collisions if a driver turning into the access road cannot see sufficiently in advance that a car is manoeuvring across the road into or out of the parking space. There remains no evidence that the situation will be safe.

Project Centre adopts the position that the parking access will be no worse than at present and points to properties along the High Street that require drivers to reverse either onto or off the main road. This is not what is being proposed. Drivers on the High Street have excellent visibility of any vehicles entering or leaving the carriageway. The proposal is to introduce an arrangement where a vehicle turning off the A2 has, potentially, very limited visibility of a vehicle blocking the highway of the access road. Project Centre cannot use their argument to support the proposed arrangement since the situations are not compatible in highway safety terms.

Project Centre acknowledges my concern that the Safety Audit of the proposed access failed to consider this matter and even provides a photograph illustrating the point but then fails to draw the obvious conclusion that there has been no proper assessment undertaken of this important safety issue.

I am concerned that Project Centre appear to be abnegating their responsibilities as far as the safety issues are concerned by stating, '*it is considered under the discretion of the highway authority to make the final decision...*' (para. 3.18). Whilst this is a statement of fact, it appears that it has been presented in place of a clear recommendation as to the acceptability of the proposed access. In my view the assessment undertaken by Project Centre clearly leads to a conclusion that the Highway Authority is not in receipt of

¹ Based on trip rates set out in Transport Statement, DHA, Sept 2021

sufficient information to be able to provide a recommendation to the Planning Authority. Despite this, Project Centre recommend that planning permission be granted subject to a (potentially unenforceable) Condition relating to visibility.

Project Centre acknowledge my concerns over cumulative impact (para. 3.35). The proposed mitigation is sustainable transport measures. I retain my concern that the effects of such measures will be very limited and there remains a genuine concern over the cumulative traffic impact at the Keycol roundabout as detailed in my earlier letters.

On the basis of the above I maintain my opinion that the proposed development is unacceptable in transport and highways terms.

I trust the above is clear. Please do not hesitate to contact me if you have any queries.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Bruce Bamber".

Bruce Bamber BSc MA MSc MCIHT, Director