



Appeal Decision

Site visit made on 20 November 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/J0540/W/24/3337478

Land at Hampton Beach, Hamptons East, Peterborough

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by BDW Cambridgeshire against the decision of Peterborough City Council.
 - The application Ref 23/00628/REM sought approval of details pursuant to condition No 1 of planning permission Ref 04/01927/WCPP, granted on 26 April 2006.
 - The application was refused by notice dated 3 August 2023.
 - The development proposed is variation of condition A3 of 91/P0556 and H91/0815 to extend the time periods for submission of reserved matters relating to all the phases of the development except phase 1 and junction 3A.
 - The details for which approval is sought are: reserved matters application pursuant to outline planning permission 04/01927/WCPP for approval of access, appearance, landscaping, layout and scale for the primary infrastructure to construct the spine road and bellmouths through Hampton Beach, together with the associated works, including drainage, ground works and landscaping (part-retrospective). An Environmental Statement was submitted to the planning authority at the time of the outline planning permission.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by BDW Cambridgeshire against Peterborough City Council. This application is subject of a separate decision.

Procedural Matters

3. The description of development in the above banner heading has been taken from the decision notice and appeal form. I understand that the description in the original application form has changed with the appellant confirming this within their appeal form.
4. The road has already been constructed sufficient that it is open to traffic and accordingly, this application is part-retrospective.
5. An update to the National Planning Policy Framework (the Framework) has been published dated 12 December 2024 but there are no material changes relevant to the substance of this appeal.
6. Concern has been raised in relation to drainage matters although this did not specifically form part of the Councils' reasons for refusal. As I am dismissing

the appeal for other reasons, I do not find it necessary for me to consider this matter further.

Main Issue

7. The main issue is the effect of the proposed development on highway safety.

Reasons

8. The appeal site relates to a primary street intended to provide the principal vehicular, pedestrian and cyclist access route through the Hamptons East residential development site, including a new bus route. It runs from a junction with the A15 (London Road), broadly north-south, between the Teardrop Lake and the East Coast Mainline railway, to connect with Aqua Drive near the junction with Waterhouse Way.
9. The Hamptons East is allocated for residential development and has outline planning permission for up to 3195 dwellings along with a secondary school (which is now open) two new primary schools (both of which are now open), a community building and a number of local centres. This reserved matters application is pursuant to that extant outline planning permission. The section of the road most relevant to this appeal being the area of dispute is that located between the Waterhouse Way junction and the southern boundary of the site.
10. The proposed development seeks reserved matters approval for a significant length of the primary street, including its associated footway, cycleway, and verge planting. It is understood that the proposal is a variation to the primary street previously approved by 20/00435/REM. The detailed design of this section of the primary street had already gone through several iterations in the negotiations that resulted in the approval of the primary street. The current reserved matters application is very similar to the implemented reserved matters approval for this section of the primary street, albeit with revised detailed arrangements for the southernmost southbound bus stop and the Waterhouse Way junction.
11. The primary streets facilitate movements between the villages and between areas of activity such as the local centres, primary schools and playing fields. The design speed for the primary streets is 20mph, with a 30mph speed limit. As part of defining the character of the villages and creating a safe and attractive street environment, a series of traffic calming measures have been included as part of the detailed design to encourage speeds at or below 20mph. Condition 4 on the previously approved reserved matters application under 20/00435/REM required the road alignment at the southern end of the site to be altered to remove the 'straight line' run between the bend to the north of Waterhouse Way and the site boundary. This was in order to achieve the required horizontal deflection to constrain vehicle speeds to 20mph or below, and to provide space for the bus stop to be implemented between the cycleway and the carriageway. The appellant claims that condition 4 was not discussed with them at the time of the decision. Nonetheless, it still forms a vital part of the previous consent which would need to be complied with.
12. The commencement of works on-site prior to planning consent being issued or the relevant condition being discharged from the approved scheme (20/00435/REM) has resulted in a straight carriageway alignment with a

raised table junction design on a route which is characterised by the use of solely horizontal deflection within the carriageway alignment to achieve speed restraint. The siting of the bus shelter is also shown to the rear of the footway/cycleway rather than between this route and the carriageway.

13. The Officers' report explains that new roads should be designed to ensure that their horizontal alignment provides the required speed reduction and restraint, and that traffic calming measures such as raised tables or speed humps, or physical buildouts and narrowing's should only be used as a solution where the road corridor does not allow for natural speed constraint. To this end, the spine road has overall been designed to constrain vehicle speeds to 20mph by alignments alone and the introduction of unnecessary measures where the road alignment could be altered to provide the required reduced speed is said to be resisted. The Development Area Brief for the site refers to design of the primary streets explaining that appropriate street calming measures will include a range of horizontal deflections within the highway corridor and that vertical deflection may be appropriate in certain limited circumstances, i.e. where pedestrian/cycle routes cross the primary streets. It is therefore clear that horizontal deflections are the preferred option for the primary roads with vertical deflection used in certain limited circumstances.
14. The proposed raised table covers a good length of the road at what is likely to become a very busy road junction as it will provide access to the Primary School within Hampton Gardens as well as being in close proximity to the playing fields and bus stop. This means that there would be a long section of footway/cycleway which is at risk of being over-run by manoeuvring vehicles due to the minimal kerb upstand which results from the introduction of a raised table. Swept path analysis would not alter this as the minimum kerb upstand would still allow for such situations to occur.
15. I understand that the use of vertical deflection at pedestrian/cycle crossings is something that the Council has implemented in the past as small, raised crossing points, usually at a road narrowing. I am also aware of guidance that has reinforced this practice of using small, raised sections of carriageway at the pedestrian and/or cycle crossing points on side-road junctions to increase visibility of the users of these crossings and to prioritise their movements ahead of vehicle movements.
16. The raised table as proposed in the particular circumstances of this case would however have the opposite effect, by bringing vehicles, pedestrians and cyclists together in a location where the pedestrians and cyclists should have priority. I have had due regard to the contents of the Development Area Brief including its diagrams. However, the raised carriageway level on the approaches to this crossing would enable vehicles to approach at higher speeds, thus posing a risk to pedestrian and cyclist safety at the crossing.
17. I do not dispute that there are other design guidance/studies undertaken relating to the use of such vertical deflections as a traffic calming measure and I note claims made regarding speeds, driver caution etc. I still however find it necessary to assess such schemes on a case-by-case basis to ensure safety. To this end, the vertical deflection proposed in this case, fails to reduce vehicle speeds sufficiently on the approach to a junction and fails to provide the pedestrian and cyclist priority required across the road junction. Its lack of

identification as a safety concern within the Road Safety Audit would not bring me to an alternative finding on this or weigh in favour of the appeal.

18. In addition to the above, the use of a raised tabletop adjacent to a swale would cause maintenance and potential safety issues in the future due to vehicles over-running the swale/verge on the radii and dragging mud onto the carriageway and cycleway which could lead to skidding on the approach to the pedestrian and cycle crossing point at the junction.
19. Turning to matters of the proposed bus shelter, its position in the layout is suitable for footways but is unsuitable for use adjacent to a cycleway as it would result in a conflict between bus passengers and passing cyclists. It would mean that pedestrians wishing to access the bus would have to cross the path of approaching cyclists thus increasing the risk of collision between cyclists and pedestrians. The non-segregated footway/cycleway would still require cyclists to pass in front of pedestrians resulting in harmful conflicts. I am not persuaded that the waiting room for bus patrons would be sufficient to justify this arrangement. Such a shared facility may be common elsewhere including on Oundle Road and cyclists may be extra vigilant, but again this would not be sufficient to justify the arrangements as there would still be a potentially dangerous conflict. Dwellings fronting onto the shared footway/cycleway along with their driveways would be different to that of a bus stop arrangement in a location which is likely to become a very busy area.
20. It is argued that Appendix A15 of the Peterborough Estate Road Construction Specification, 2012 is not part of the development plan and thus should be afforded very limited weight. Comments have also been made in relation to its level of consultation etc. Even so, this would not alter my findings as set out above nor would matters relating to the suitability of the spine road for adoption as the design is still unacceptable in ensuring highway safety is not compromised.
21. For the above reasons, the proposed development would unacceptably harm highway safety. It would therefore be contrary to Policy LP13 of the Peterborough Local Plan, 2019 which amongst other matters, explains that planning permission for development that has transport implications will only be granted if: a. appropriate provision has been made for safe, convenient and sustainable access to, from and within the site by all user groups, taking account of the priorities set out in the LTP; and b. following appropriate mitigation, the development would not result in a residual cumulative severe impact on any element of the transportation network including highway safety. For the same reasons, the proposed development would also be contrary to paragraphs 115-117 of the Framework relating to promoting sustainable transport and paragraph 63 of the National Design Guide, 2021.

Other Matters

22. Matters relating to the appearance of the raised table as a design feature would not alter my findings in relation to the above main issue.
23. There may be difficulty to realign the highway including the removal and realignment of drainage infrastructure and road closures etc. However, this would not be sufficient to justify the scheme or alter my findings. I am also not convinced that this is the only option available for the site.

Conclusion

24. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that would outweigh the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR