

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
6th December 2017

Agenda item 9

Application ref. 17/00673/FUL

Former Audley Workingmens Club, New Road, Bignall End

Since the preparation of the main agenda report the **Highway Authority** (HA) has submitted revised comments following the reversion back to the original site layout plan – drawing no. 5525-011D. The purpose of the revised comments is to clarify their reasons for their original response and the reason for their objections to the revised site layout plan - drawing no. 5525-011E.

The HA note that the application site already has full planning permission for 12 dwellings which proposed a 6 metre junction radii (15/00692/FUL). This included a road width of 5.5 metres and a turning area for an 11.9 metre waste collection vehicle, which was acceptable to the Waste Management Section and the Local Planning Authority. A Road Safety Audit (RSA) was not included or requested as part of the determination of that planning application. The HA accept that drawing no: 5525-011D has moved the position of the access slightly east from the position already approved as part of the housing development on the site, but the junction radii is retained at 6m and includes details of tactile paving for pedestrians to cross and 'give way' road markings. In addition the road width has been increased from 5.5m to 8m. They consider that the drawing demonstrates that with the junction radii of 6m a 12m truck can enter and exit the site. They acknowledge that the vehicle does cross over onto the other side of road on egress, however they indicate that this is a usual scenario on the highway network for large vehicles manoeuvring at junctions and this is permitted within the Highway Code. A waste collection lorry would similarly cross over onto the other side of the road when exiting the site.

They consider that a RSA is not required for a 6 metre junction radii as currently proposed given that an access into the site with such radii has been previously approved. However, they note that the construction of the proposed access will require a Major Works Agreement and as part of the technical approval a RSA will be required (by the Highway Authority).

The HA indicate that the revised site layout plan ref 5525-011E (the now withdrawn scheme) proposed a 9 metre junction radii and alterations to the proposed servicing arrangements. This was not considered acceptable, partly due to the lack of information submitted to support the revised plan and because a 9 metre radius is non-standard and to the closest standard being 10m radii kerbing. The reason that a Stage 1 Road Safety Audit (RSA1) was requested by the HA in response to that revision is in regard to pedestrians crossing the proposed access being shown. With the larger radii the access junction would be wider and this could create issues for pedestrians as they would require more time to cross particularly for less mobile pedestrians. No details of the proposed pedestrian crossing points, including tactile paving at the access junction, were set out on this revised drawing. Given the width of the access the pedestrian crossing point might have needed to be located within the site and guard railing provided to ensure pedestrians cross at the correct location. With the larger 10m radii drivers may enter and egress the site faster than with the 6m radii.

A letter of support has been received from the prospective end user of the retail unit, **Central England Co-operative**, in a response to letters of objections received to the application. The letter sets out the following points:-

- Bignall End is a close knit community within the North Staffordshire area and there is a strong need for an improved local shopping offer in this village.
- The convenience store will operate as a community retailer from 7am to 10pm on a daily basis, providing fresh food and produce, and convenience based products to their members and local community.

- As a community retailer they work closely with groups and projects in the vicinity of its stores.
- They have supported seventeen schools in the area by delivering healthy eating workshops to many pupils.
- They have given Membership and Community Grants to clubs and organisations across Staffordshire and are hopeful to receive further applications local to this store in the future.
- They have a policy of employing local people.
- This development would especially benefit those within the village who are unable to easily travel to other areas for their shopping.
- They offered to meet with the Parish Council to hear their concerns first hand, and to be given a chance to respond to them. This request was not accepted by the Parish Council.
- There is reassurance with regard to a lack of tolerance for anti-social behaviour and a commitment to be a responsible retailer with regard to age restricted products. They fully support and implement the 'challenge 25' programme which seeks to put in place an ID check on any customers who appear under the age of 25 to ensure there are no alcohol sales to underage people.
- The Police have confirmed that they have no objection to the application and any planning conditions to minimise anti-social behaviour will be supported.

Officer Response

Your Officer is satisfied that the HA has been consistent in their consideration of the access details as initially proposed, which the applicant has now reverted to, and their consideration of the amended and now withdrawn access details. In addition the HA has justified why they maintain that they have no objections to the current proposal, including a 6m junction radii, when they objected to the amended plan which showed a 9m junction radii. It remains the position of your Officer that, subject to the conditions set out in the main agenda report, that the proposed layout, parking and access arrangements are broadly acceptable and accord with the Local Plan and the guidance and requirements of the NPPF. It is not considered that a refusal of the application on the grounds of highway safety could be sustained

Concerns have been raised about the map that accompanies the main agenda report which has a "Builders Yard" annotated on land adjacent to the application site. The map is an extract from the Ordnance Survey, but for the avoidance of any doubt it is confirmed that the area to the south east of the application site is in part the remainder of the site of the former Club and in part an area of open space. Your Officer has not referred within the report to the site being adjacent to a builder's yard, and the error on the map has played no part in the recommendation before the Committee. If members wish to see the adjoining land uses photographs will be available at the meeting to be displayed.

For the avoidance of doubt it is confirmed that notwithstanding the statement in the report as originally published, the comments of both the Highway Authority and the Parish Council on the revised scheme were received (and indeed were provided within the consultation section of the report).

It has been suggested by third parties that if the Planning Committee were to proceed to approve the application on the basis of and relying upon the comments of the Highway Authority on the original scheme – that which is before the Committee to determine – such a decision would be capable of being the subject of a successful application for Judicial Review i.e that such a decision would be an "unreasonable" one, as defined in law. Your Officer is satisfied in the light of the explanation provided by the Highway Authority this is not the case.

Similarly it has been suggested that the Council has maladministered the application. There are no grounds to consider this to be so.

Whilst the comments of the Co-operative are noted members should not give any weight to non-planning considerations, such as the Co-operative's community and education engagement programmes, and they should bear in mind that whilst the Co-operative may be

the named occupier, the planning permission if granted would not be restricted to that company

The recommendation remains as set out in the main agenda report.