

Portfolio Holder Decisions/Leader Decisions

Tuesday 26 April 2022

Minutes

Attendance

Committee Members

Councillor Wallace Redford

Officers

Joanne Archer, Delivery Lead Planning & Highways Development Management

Daniel Richardson, Engineer Level 2

Isabelle Moorhouse, Democratic Services Officer

Chris Round, Senior Highways Engineer (Contractor)

Public Speakers

Clive Berry

Maureen Berry

1. Mappleborough Green – TRO Objection

Councillor Wallace Redford stated that the purpose of the meeting was so the public speakers' points could be heard by him directly.

Mr Clive Berry made the following statement: "Warwickshire's Highways team had 6 years to consider the care home development outside their home and they made no objections because the right turn was addressed with planners. There were two different schemes agreed with the planners and all the interested parties. We however, had no notification and were given only a few days' notice for the TRO (traffic regulation order); we were not consulted with. As background, I calculated that if my wife and I left and returned to our home once per day, since we took up residence, we would have used this junction 50,000 times. If you add friends, families, employees etc. then this would be more likely be excess of 100,000 times; all this without a single traffic incident I'm aware of in all that time. The development has taken 14 months to complete the nursing home to which we have no objections. During that time we've had many vehicles entering and exiting the site, some of these vehicles had 30-40 people on them. Again over 14 months has there been any traffic incidents that I'm aware of. I'm here really to put forward a case for compromise as clearly this proposed road alteration has a major affect on the enjoyment of our property, which we have enjoyed uninterrupted for 43 years. The design process and road safety audit are allegedly flawed; the designers apparently omitted our property from our plans totally. And the safety audit has also conveniently omitted our driveways and therefore no consideration of our needs were given. If due consideration was taken at the design stage, and our driveway had been included, then alternative solutions could have been achieved reducing the restriction on ourselves. For example: a single lane ingress exit proposed alteration

(that they were told would stop people turning right into the care home but allowed them to turn right into their property), reducing the length of the alteration by two to three metres to allow our current access, by reducing the swing size of the new development which has been extended by seven metres, redesigning the access and exit on the nursing home as approved on its own planning approvals, given Highways original approval. The original plans at that stage show our driveway but it has since been omitted since the consideration of this TRO. I believe you should carefully consider the alternatives and before any decision, consult with us in the outset of any proposed compromise. I believe that this new scheme is being drawn up from the perspective of the care home developers only. Comment made by the TRO engineer to our observation said, 'the road safety audit process identifies risks from vehicles making right turns into and out of the care home so close to the junction of the A4189 which outweighs the disadvantages on the nearby property'. That statement confirms that the road safety audit did not take our property into consideration as the engineer's comment has only been made since we advised him that there was a problem with this new TRO. So the safety audit is also flawed and did not consider our safety at all. The traffic flows well around the island currently with no accidents and with space to manoeuvre around obstacles. If this proposal continues in its current proposed form, it will restrict both directions severely, in my opinion, with much more safety issues causing accidents and accidents being more severe."

Dan Richardson stated that the engineer who carried out the road safety audit did consider their property and knew the junction well. The TRO's aim was to stop people turning right out of the care home, but this impacted the Berry's property too. Right turns are not acceptable that close to a roundabout as cars were nearly rear-ending each other when someone turned left onto the road, and turning right would have the same principle. Senior managers agreed that the care home development could not go ahead unless the TRO was implemented. Clive Berry stated that there were two alternatives to this TRO as part of the planning application that the Highways team did not object to; the new design did not consider them. Maureen Berry added that Chris Round stated that he was not aware that their drive was opposite the developer's site. Dan Richardson said that the road safety audit was done by the developer's consultant and the council check it after to make sure that it was done correctly. It was the road safety team's view that there should be no right turns that close to a junction.

In response to Clive Berry, Joanne Archer stated that they could only consider this entranceway as part of the TRO because of the care home application. The Council is bound by what they submit to planning on their boundary. This cannot be expanded unless it goes onto highway land; if improvement needed to be done to this then this would be a separate highways process.

Maureen Berry said that their driveway was not included on the revised road plans, but it was included on the original ones. The email from the developers to the planning officer (at Stratford District Council) on the 3rd April 2020 said (with respect to the proposed access arrangements), "the design of this has been extensively researched and advanced by specialist highway consultants appointed by the applicants and the design for the access arrangements was functionable and amenable to the future users, agreeable by Highways in safety terms. The proposed

access in design arrangements are based on speed check surveys carried out at the location. The design had therefore been subject to an independent road survey audit to ensure absolute safety of the users and access of other users of the highways in that location.” There were no objections in the road safety audit done in April 2020. The developers designed a raised triangle as an access surface to the care home. Maureen Berry continued that figure four in the Transport Statement 103510/R01 stated that “vehicular access into the (care home) site will be taken by the existing access. The access will be modified to provide a left in/left out arrangement. The new island will be constructed at the site access to enforce the banning of right turn manoeuvres. In order to demonstrate the proposed vehicle access provides a suitable layout, a visibility display has been produced based on a seven-day speed survey carried out by Warwickshire Highways between the 30th November to 7th December 2019”.

Maureen Berry read out an extract from a committee meeting from the 23rd August 2020, the planning officer for the care home development stated that the application “should only be refused on unacceptable impacts on the highway” and that ‘Warwickshire Highways had been consulted with on the proposed raised triangle scheme and they did not object to this as this would not impact the highway network’. Maureen Berry stated that in the notice of decision of the planning from the 1st September 2020, it stated that highways had been consulted with and did not object to the proposed plans put forward. She had been informed that developers appoint a qualified consultant to do their report and submit this to the objector for modifying by Highways. No objections means that they have been consulted with and approve it.

Dan Richardson stated that Section 278 applications were scrutinised more and the road safety audit is looked at by the internal safety team. Turning right into the development was illegal but people would still do it. The pedestrian refuge island itself was deemed unsafe for pedestrians and the visually impaired crossings due to the 45 degree angle turns close to each other; the triangle proposal had to be discarded to make it safe for them.

Points were raised about turning left into/out of the property and the possibility of people speeding off the roundabout. Maureen Berry stated that they could see clearly going right out of their property instead of left; people coming round the roundabout cannot see their drive.

In response to Maureen Berry, Chris Round said that they put signs up notifying residents of the TRO on lampposts in the area, the internal arch and next to the dog island on the A435. These were taken down the day after the consultation ended on the 25th March 2022. The signs themselves were laminated A4 sheets and zip tied to surfaces. The parish council was sent an email to make them aware of the TRO as consultees, but the Berry’s were not sent it as an interested party. A discussion about the consultation followed.

Joanne Archer said that with planning applications, the team must work with what the developers give them as they are spending their money; they do not design schemes for them, and their plan gets assessed after. She noted the different processes set out in planning Acts and highways Acts. Developers get technical approval based on what road safety approved.

A discussion followed of alternatives that were looked at but dismissed for the TRO including the angled ingress into the island, shortening the TRO length, and shortening the care home's drive. Clive Berry noted the issue was the Council doing what the developers wanted and asked to see a list of the alternatives considered. Dan Richardson noted that most of these were done verbally. Maureen Berry reiterated that their issue was turning left out of their property not right. Dan Richardson stated that due to the workload and team's being understaffed, not every application could be looked at as thoroughly as it should.

In response to Joanne Archer, Dan Richardson confirmed that the developers did not send the Council their road safety audit for their development. It could not be confirmed whether the developers did a full road safety audit, or the district council did one as part of the planning process. The county council could only respond as a consultee based on the information the district council sent them. In response to Maureen Berry, Joanne Archer said that they could only focus on the 'red boundary' as part of the plans as they cannot force developers to include resident's properties as part of this; their drive was only added after Dan Richardson requested some changes.

Councillor Redford concluded that the case had been put forward clearly and he appreciated the comments made. He noted what was said and would discuss this further with officers.

Meeting rose at 10:33