

# Portfolio Holder Decision

## Mappleborough Green - TRO Objection

<b>Portfolio Holder</b>	<b>Portfolio Holder for Transport and Planning</b>
<b>Date of decision</b>	<b>26 April 2022</b>
	<b>Signed</b> 

### 1. Decision taken

That the below named Traffic Regulation Orders be made as advertised:

- The Warwickshire County Council (Mappleborough Green) (A4189 Warwick Highway) (Stratford On Avon) (No Right Turn) Order 2022
- The Warwickshire County Council (Mappleborough Green) (A4189 Warwick Highway) (Stratford On Avon) (U-Turn Ban) Order 2022

### 2. Reasons for decisions

The Traffic Regulation Orders (TRO) are proposed in order to prohibit vehicles making a U-turn on part of the A4189 Warwick Highway in order to enter a new care home and to prohibit a right turn onto part of the A4189 Warwick Highway when leaving the care home. The bans would be accompanied by a new splitter island (to be constructed under a section 278 agreement) which will physically prevent right turns into the care home. The ban on U-turns is necessary to prevent vehicles turning around the end of the splitter island in order to enter the care home.

Appendix A gives guidance on the grounds for making TROs and the criteria to be taken into account when deciding whether to do so. In this case, the ground is ground (a), i.e., avoiding danger to persons or traffic. Although the splitter island will also affect vehicles accessing another property on the opposite side of the road, used both as a residence and as a business office, the road safety audit process identified risks from vehicles making right turns into and out of the care home so close to the junction of the A4189 with the Birmingham Road which outweigh the disadvantages to the nearby property.

### 3. Background information

Planning permission was granted on 1<sup>st</sup> September 2020 for the construction of a purpose-built care home. The new care home in Mappleborough Green is located at High House Farm, on the north side of the A4189 Warwick Highway, close to its entry onto a roundabout with the A435 Birmingham Road and A4189 Henley Road.

Condition no. 13 required the applicant to construct a vehicular access to the site in accordance with drawing "B80 7DG-A-03C" (see Appendix F for the planning approved drawing). The vehicular access to the site needs to be constructed before the development can be occupied.

Any works within the existing maintainable highway are subject to a section 278 Highway Works Agreement. A section 278 highway works agreement is technically approved and overseen by the highway authority. The developer therefore applied to the highway authority for a section 278 agreement.

A TRO was also required to enforce the left in/left out operation of the vehicle access to the development that is shown on the planning approved drawing.

As part of the section 278 approval process the layout approved at the planning stage is fully reviewed to check it conforms to the relevant guidelines and is also subject to a Road Safety Audit. The layout is often refined at this later stage to ensure that the access will function in a safe manner and is in accordance with the relevant guidelines.

As part of the section 278 application technical approval process, the County Council's Safety Engineering Team reviewed the Stage 2 Road Safety Audit provided by the developer's consultant and commented as follows:

"It is proposed that vehicles will not be permitted to turn right off Warwick Highway into the new access and will have approx. 1 kilometre added to their journey to enter the new development. As there are no physical features to stopping the No Right Turn ban could allow motorist to make the illegal right turn across the eastbound carriageway to access the development, which could lead to confusion, late braking, resulting in rear shunts and side impact collisions."

This led to the issue being considered by the Exception Report Panel, which includes the Service Managers of Engineering Design Services and Strategy & Commissioning, where design considerations and road safety concerns can be assessed in context. The designer provided two amended layouts, to address the highlighted road safety issues, and the Panel accepted that the layout proposed in association with the TROs satisfactorily addressed the Safety Engineering Team's concern. This layout removes the triangular island in the access and provides a splitter island in the centre of the carriageway to physically prevent right turns into and out of the new care home.

The section 278 application was then granted technical approval.

The central splitter island also means that right turns into and out of one other property on the south side of A4189 Warwick Highway are also prevented. This property is a residence with an office within the premises used for business purposes by the resident and her staff. However, that disadvantage to the occupiers and their visitors is considered

to be outweighed by the safety risks if right turns into and out of the care home are not effectively restricted.

The TROs were advertised between 3<sup>rd</sup> March 2022 and 24<sup>th</sup> March 2022, in the local newspaper and on notices erected in the near vicinity of the new care home access. The local County Councillor, Justin Kerridge was also consulted.

Five objections have been received. The first three objections are from the same person, who is the occupier of the property on the south side of the A4189.

Objection no. 1

Resident of Warwick Highway, received on 3<sup>rd</sup> March 2022.

*“Thank you once again for coming out to see the problem. I have attached documents that were submitted with the planning application and as the planning was granted highways were obviously satisfied with access. This access was previously in place for the previous planning for the 10 houses which were also granted. I hope that the attachments clarify the situation and surely from a costing standpoint the developers would be liable to foot the bill rather than using council taxpayers money. Please can you keep me and the parish council informed and if I can help please do not hesitate in contacting me”.*

Objection no. 2

A second objection was received from the same person above on 14<sup>th</sup> March 2022.

*“Following our previous meeting and my email I would confirm that I am objecting to the new proposal for the access to the development at High House Farm and the subsequently completed Care Home.  
Please find attached previously submitted Plans and conditions that have been agreed by Highways to allow the planning to be granted, also I have now also attached the drawings and a letter from Warwickshire Highways Department saying that Highways have no objections to the granting of the planning permission request on the provision that the triangle is incorporated into the access of the site.  
The new proposals will have a detrimental effect on the entrance and exit of our property and will impede the use and enjoyment of our property.”*

Objection no. 3

A third objection was received from the same person on behalf of her business, received on 18<sup>th</sup> March 2022.

*“The Business has run from these offices since 2006.  
The proposal to alter the road lay out would be detrimental to the access for our staff and our clients visiting the offices.  
Warwickshire Highways have made no objections in the past to the accepted raised triangle in the access of the Home in fact it was a condition of granting planning that this condition was implemented.  
We therefore object to the proposal to change the plans that Warwickshire Highways have agreed to.”*

The documents accompanying these three objections are in Appendix E and they contain details of a previous planning application for a number of individual homes, which was initially refused and then granted on appeal. They show a triangular island at the entrance to the site designed to discourage right hand turn manoeuvres rather than a central splitter island.

Officer's response –

These objections are not strictly to the TROs and their bans on right turns and U-turns but to the introduction of a splitter island. However, the splitter island is associated with the bans, and it necessitates the U-turn ban, so this objection is addressed as follows.

When permission was first granted for the care home, the approved plans also relied on a triangular island in the access (see Appendix F for the planning approved drawing). However, during the Road Safety Audit process, a serious safety concern was raised that this would not be sufficient to discourage vehicles from making the banned manoeuvres. The issue was subsequently considered by a panel of senior engineering managers and the developer's designer proposed the splitter island as a more effective deterrent to right turns. This is a change from previously approved proposals, but this was the first time that access arrangements had been subjected to the technical approval process required for a section 278 scheme. The road safety audit and the technical approval processes are designed to test and challenge initial designs and will sometimes result in proposals that have planning approval being revised.

The section 278 works are cost neutral to the County Council.

Objection no. 4

A Stratford District Councillor, Councillor Serafin, received on 23<sup>rd</sup> March 2022.

*"I object to the new layout of the formation to access to care home as this would not benefit one of my residents the original plan to restrict traffic in and out is much better and would not cost the council any money"*

Officer's response –

As explained previously, the original plan was amended to address safety issues highlighted by the County Council's road safety audit and technical approval procedures. The section 278 works are cost neutral to the County Council.

Objection no. 5

There was also an additional objection that was received on 29<sup>th</sup> March 2022, five days after the consultation period had ended, on behalf of Mappleborough Green Parish Council.

*"Firstly apologies for the slightly late response to this consultation, unfortunately I was not made aware until today that responses should be sent to you regards this application. Secondly please accept this email as a formal objection to the proposed changes to the highway outside the exit/entrance to Haywood Lodge Care Home. The application submitted is significantly different to that originally agreed at planning and as such the Parish Council are extremely concerned that the changes are too restrictive in terms of access to the care home and properties adjacent to it, with little room to manoeuvre, especially for larger vehicles. The Parish Council understand that reference was made by*

*an officer of WCC, after concerns of larger vehicles accessing the site by reversing into the grounds was raised. The officer argued that on completion only cars/vans would be accessing the site and weekly refuse vehicles. The Parish Council request that consideration is given to these larger vehicles in terms of the proposed layout and that easier access must be a requirement for emergency vehicles to gain quick access to a care home, which the original plan layout would allow and the proposed does not. The Parish Council trust that these concerns are considered aptly.”*

Officer’s response –

Emergency vehicles will still be able to access the care home. Swept path analysis shows that a vehicle the size of a large refuse vehicle can freely enter and exit with room to spare (see Appendix G). A similar analysis shows that a 7.64 metres long recreational vehicle will also be able to enter the objector’s property on the south side of the A4189 (see Appendix H).

#### **4. Financial implications**

The cost of the section 278 highway works is entirely funded by the developer of the care home.

#### **5. Environmental implications**

No Environmental Impact Assessment was required to support this planning application. In order to satisfy the safety concerns of this scheme vehicles will need to travel further on the network and this will create some additional emissions.

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<b>Portfolio Holder</b>	Councillor Wallace Redford, Portfolio Holder for Transport and Planning

<b>Urgent matter?</b>	No
<b>Confidential or exempt?</b>	No
<b>Is the decision contrary to the budget and policy framework?</b>	No

#### **List of appendices**

Appendix A - Road Traffic Regulation Act 1984 - Information for TROs  
 Appendix B – TRO Notice  
 Appendix C – TRO Statement of Reasons  
 Appendix D – TRO PLAN - 103510-PEL-KB-ZZ-DR-HW-0004 - D7  
 Appendix E - TRO Objection Documents-Redacted  
 Appendix F - Approved Planning Drawing - B80 7DG-A-03C

Appendix G - Large Refuse Vehicle Swept Path Analysis Plan  
Appendix H - Recreational Vehicle Swept Path Analysis Plan

### **Members and officers consulted and informed**

Portfolio Holder – Councillor Wallace Redford

Corporate Board – Mark Ryder

Legal – Ian Marriott & Caroline Gutteridge

Finance – Andrew Felton & Virginia Rennie

Equality – Keira Rounsley

Democratic Services – Isabelle Moorhouse

Councillors – Jeff Clarke, Jonathan Chilvers, Jenny Fradgley & Jackie Darcy

Local Member(s): Councillor Justin Kerridge