

# Regulatory Committee

**Dorset County Council**



Date of Meeting	7 <sup>th</sup> December 2017
<u>Local Member:</u> Cllr David Jones, Member for Burton Grange Electoral Division  <u>Lead Officer</u> Neil Turner, Highway Development Team Leader	
Subject of Report	<b>Approval to advertise a proposed puffin crossing in accordance with s23 of the Road Traffic Regulation Act (1984).</b>
Executive Summary	<p>In June 2015 Christchurch Borough Council granted planning permission for a retail development known as Meteor Retail Park. This permission conditioned the Developer to construct a new puffin crossing on the adjoining Somerford Road, Christchurch.</p> <p>s23 of the Road Traffic Regulation Act (1984) requires that before establishing a controlled pedestrian crossing within the existing highway, a local traffic authority shall give public notice of that proposal.</p> <p>Primary consultation was undertaken in July 2017. Both the Police and the District Council have confirmed their approval to advertise the crossing. The local member has not responded.</p> <p>This report therefore seeks the Committee's recommendation to Cabinet that public notice of the proposed puffin crossing be advertised as required by the Road Traffic Regulation Act (1984) and as is necessary to implement the planning consent for this development.</p>
Impact Assessment:	Equalities Impact Assessment: There are no implications in terms of changes to any new or existing policy with equalities implications.
	Use of Evidence: Planning permission, application for s278 agreement, detailed design proposals, road safety audits, site visits, primary consultation.

## 2 - Approval to Advertise a Proposed Puffin Crossing.

	<p><b>Budget:</b></p> <p>All costs associated with advertising puffin crossing and its subsequent construction will be met by the developer. There will be no cost to DCC.</p> <p>No VAT implications been identified.</p>
	<p><b>Risk Assessment:</b></p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as:</p> <p>Current Risk: LOW Residual Risk LOW</p>
	<p><b>Other Implications:</b></p> <p>None</p>
<b>Recommendation</b>	That the Committee recommend to Cabinet that public notice of the proposed puffin crossing be advertised as required by the Road Traffic Regulation Act (1984)
<b>Reason for Recommendation</b>	The construction of the proposed puffin crossing is an express condition of a full planning permission granted by Christchurch Borough Council for the delivery of a retail development. DCC officers were consulted on the proposals during the planning process and fully supported the need for the crossing to provide sustainable transport links between the new retail development and nearby residential areas. The detailed design for the proposed crossing has been approved with no residual safety issues or departures from standard and has ensured that crossing is in the optimal position.
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Copy of Full Planning Permission (Application No: 8/14/0630).</li> <li>2. Location plan.</li> <li>3. Layout drawing.</li> </ol>
<b>Background Papers</b>	Consultation responses from the District Council and Dorset Police are held on file in the Environment and Economy Directorate and are available to be viewed during office hours, and will be available in the Members Room prior to the meeting.
<b>Officer Contact</b>	<p>Name: Neil Turner Tel: 01305 225374 Email: n.c.turner@dorsetcc.gov.uk</p>

### 1 Background

- 1.1 On 3 June 2015 Christchurch Borough Council granted full planning permission for the redevelopment of an existing A1 (retail) warehouse park to provide 8,097 sqm of A1 (retail) floorspace (Application No. 8/14/0630 – See Appendix 1).
- 1.2 Condition 4 of this planning permission states that "*No part of the approved development shall be occupied until the detailed specification of works for the proposed pedestrian*

### 3 - Approval to Advertise a Proposed Puffin Crossing.

*crossing on Somerford Road shown on Drawing Reference ITB3004-GA-003 Revision E has been agreed with the Local Planning Authority in conjunction with the Local Highway Authority. The proposed pedestrian crossing will then be constructed to the approved specification prior to the first opening of any Class A1 retail unit hereby permitted."*

- 1.3 DCC Transport Development Management Officers were consulted on the proposed development during the planning process. They recommended the inclusion of a puffin crossing as a condition in order to promote the Council's corporate aims of helping people to be healthy and independent through ensuring that adequate pedestrian links from the surrounding residential area to the new retail development were provided. They also recommended that this crossing be constructed prior to occupation of the development in the interests of highway safety.
- 1.4 In May 2016, Brookhouse (Christchurch) Ltd. (The Developer) applied to Dorset County Council to enter in to a s278 agreement to facilitate the construction of the proposed puffin crossing. A location plan is contained in Appendix 2.
- 1.5 This application was accepted by DCC, and the Developer was invited to submit their detailed design proposals for consideration and technical approval.
- 1.6 Several iterations of technical audit and design amendment followed this initial application and in July 2017 DCC issued technical approval for the detailed design with no noted departures from standard.
- 1.7 A copy of the approved general layout of the proposed puffin crossing is displayed in Appendix 3.

## **2 Law**

- 2.1 s23 of the Road Traffic Regulation Act (1984) requires that before establishing a controlled pedestrian crossing within the existing highway, a local traffic authority shall consult the chief officer of police about their proposal to do so, and shall give public notice of that proposal.

## **3 Primary Consultation**

- 3.1 On 19 July 2017 primary consultation forms were issued to the Local Member Cllr David Jones, Christchurch Borough Council (CBC) and Dorset Police.
- 3.2 CBC's response was received on 20 July 2017 from Mr Lindsay Cass, Head of Property and Engineering at CBC. This response included comments made by District Council Member, Cllr Janet Abbott. These comments were generally supportive of the proposed crossing but also proposing some further potential amendments to the access/egress to the retail development. Approval to advertise the proposed crossing was not confirmed at this point in time.
- 3.3 Dorset Police responded on 2 August 2017 confirming their approval to advertise the proposed puffin crossing.
- 3.4 On 18 September 2017 officers met with Cllr David Jones (DCC) and Cllr Janet Abbott and Cllr. Denise Jones (CBC) on site to discuss the proposals.
- 3.5 The Councillors had hoped to see a more wide ranging scheme of highway improvements delivered as part of the development.

#### 4 - Approval to Advertise a Proposed Puffin Crossing.

- 3.6 Officers' views are that the proposed scheme is acceptable in highway terms and meets the requirements of the planning permission. It would, following a Court of Appeal decision, be unreasonable to require a wider scheme.
- 3.7 CBC responded again on 10 November 2017 agreeing to advertise the proposed puffin crossing, but stating that the agreement was based on officers' views of the proposals as officers at CBC had not been able to obtain a final view from the Ward Members.
- 3.8 To date a response has not been received from Cllr David Jones.

#### **4 Conclusion**

- 4.1 In consideration that:
- the proposed puffin crossing is a required planning condition for the delivery of the retail development;
  - that DCC officers supported the inclusion of the puffin crossing as a condition of the planning permission;
  - that the proposed crossing contributes to the Council's corporate aims; and
  - that a detailed design for the crossing has been approved by DCC with no departure from standards or residual safety issues.

It is recommended that the Regulatory Committee recommend that Cabinet approve the proposal to advertise the public notice for the proposed puffin crossing.

**Andrew Martin**  
**Service Director for Highways and Emergency Planning**  
December 2017

## **Appendix 1**

Copy of Full Planning Permission – Application No.: 8/14/0630





Town and Country Planning Act 1990  
Town and Country Planning (General Development Procedure) Order 1995

### GRANT OF FULL PLANNING PERMISSION

This permission does not carry any approval or consent which may be required under any enactment, byelaw, order or regulation eg in relation to Building Regulations or the Diversion of Footpaths etc other than Section 57 of the Town and Country Planning Act 1990

**Application No:**

8/14/0630

**Location of Development:**

Meteor Retail Park Somerford Road

**Description of Development:**

Redevelopment of existing A1 (retail) warehouse park to provide 8,097 sqm of A1 (retail) floorspace together with associated works including car parking and servicing arrangements

In pursuance of its powers under the above mentioned Acts, the Local Planning Authority hereby Grant Full Permission for the development in accordance with the terms of the application ref:8/14/0630 and the plans submitted therewith.

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority: 8411-LO1; 8411-P12k; 8411-P13b; 8411-LSO1H; 8411-P17b; 8411-SKO1; ITB3004-GA-OO3 Revision E; 12393-500-P3.
3. Details of all external lighting shall be implemented in accordance with the Outdoor Lighting Report, dated 19 March 2015.
4. No part of the approved development shall be occupied until the detailed specification of works for the proposed pedestrian crossing on Somerford Road shown on Drawing Reference ITB3004-GA-003 Revision E has been agreed with the Local Planning Authority in conjunction with the Local Highway Authority. The proposed pedestrian crossing will then be constructed to the approved specification prior to the first opening of any Class A1 retail unit hereby permitted.
5. The development hereby permitted shall not be occupied or utilised until details of waste collection have been provided to and agreed by the Local Planning Authority, and the parking (both vehicular and cycle) and turning indicated on the submitted details has been constructed. Thereafter, these areas shall be maintained, kept free from obstruction and available for the purposes specified.
6. The approved floorspace can be used for the sale of retail goods within Use

- Class A1 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment. Unless sold ancillary to the permitted primary range (i.e. From no more than 10% of the net sales area), the retail sale of food goods shall be limited to an area no greater than 1,777 sq. M (gross internal area) within Units 2 and 5 shown on Drawing Reference 8411 – P12k.
7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Weetwood, dated 18th December 2014. Finished floor levels shall be set no lower than 7.77m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
  8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
  9. Prior to the first occupation of the development, full details of both the hard and soft landscape works have to be submitted and approved in writing by the Local Planning Authority. The soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

**Reasons:**

1. This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (As amended by the Planning and Compulsory Purchase Act 2004).
2. For the avoidance of doubt and in the interests of proper planning
3. In the interest of the amenities of adjoining and nearby residential properties, highway safety and to consider the impact on the character of the area.
4. These specified works are seen as a prerequisite of allowing this development to proceed.
5. In the interests of road safety
6. To protect the vitality and viability of the Town Centre
7. To reduce the risk of flooding to the proposed development and future occupants.
8. To ensure the protection of and to prevent pollution of controlled waters.
9. To maintain local amenity

**Notes to Applicant:**

1. The applicant is advised that notwithstanding this consent, Section 184 of the Highways Act 1980 requires the proper construction of vehicle crossings over kerbed footways, verges or other highway land. Before commencement of any works on the public highway, Dorset County Council's Dorset Highways MUST be consulted to agree on the detailed



specification. Contact can be made by telephone to Dorset Direct (01305 221000), by email at [dorsetdirect@dorsetcc.gov.uk](mailto:dorsetdirect@dorsetcc.gov.uk), or in writing at Dorset Highways, Dorset County Council, County Hall, Dorchester, DT1 1XJ.

2. Works in, under, over or within 8 metres of the top of the bank of the River Mude  
Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written Flood Defence Consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the river Mude which is designated as "main river". The need for Flood Defence Consent is over and above the need for planning permission. To discuss the scope of the Environment Agency's controls and to obtain an application form please contact Daniel Griffin on 01258 483421.

3. Under the terms of the Land Drainage Act, the prior written consent of the Lead Local Flood Authority (Wilts County Council) is required for works that could affect the flow of ordinary watercourses.

#### 4. Waste Management

In accordance with the waste management hierarchy, the applicant is advised to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. More specific guidance is available on the Environment Agency web site at <https://www.gov.uk/how-to-classify-different-types-of-waste>.

#### 5. Pollution prevention during construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. The applicant is referred to the Environment Agency's Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

#### 6. Sustainable construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

7. On commencement of works on site the applicant is requested to provide a 24 hr telephone contact number available to Gary Smith Team Leader (Housing and Pollution) for use by officers in respect of any noise issues arising from the site during construction works.

8. This consent is subject to a Unilateral Undertaking to secure mitigation towards the impact of the development on the Town Centre.

Continuation Sheet 3

Application No 8/14/0630

To Mr M Sobic  
Savills (UK) Ltd  
Belvedere  
12 Booth Street  
Manchester  
M2 4AW

Signed DS



Giles Moir  
Development Management Manager

PLEASE REFER TO NOTES ENCLOSED

Dated

3 JUN 2015

## **Appendix 2**

### Location Plan



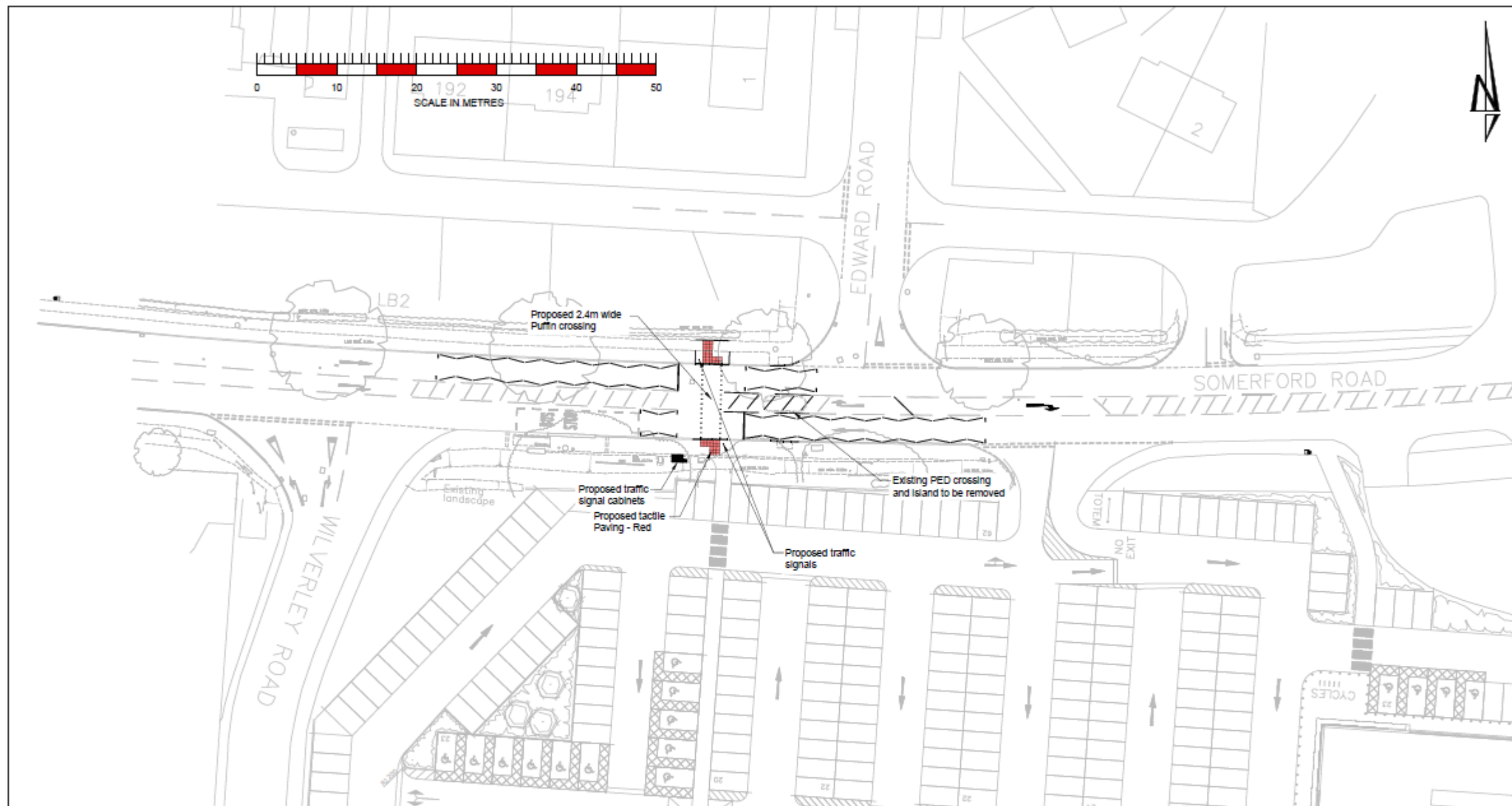




## **Appendix 3**

### Layout Plan






**Notes:**

- All dimensions are to be checked on site before the commencement of works. Any discrepancies are to be reported to the Architect & Engineer for verification.
- Figured dimensions only are to be taken from this drawing. This drawing is to be read in conjunction with all relevant Engineers' and Service Engineers' drawings and specifications.
- All works are to DCC's Specification for the Construction and Drainage of New Streets

This drawing is copyright.

P9	12.06.17	Amended in line with DCC comments	MB	SD
P8	19.05.17	Signal details updated	AJC	SD
P7	28.02.17	Amended in line with DCC comments	AJC	SD
P6	19.01.17	Amended in line with DCC comments	AJC	SD
P5	30.08.16	Amended in line with DCC comments	AJC	SD
P4	14.06.16	Signal detail amended	PT	NM
P3	20.05.16	Updated for approval	PT	TC
P2	15.04.16	Updated for approval	RB	NF
P1	12.04.16	Issued for approval	RB	NF
Rev	00/00/00	Description	ACS	ACS

Client  
  
 Project  
**METOR RETAIL PARK  
 CHRISTCHURCH**  
 Title  
**Highways Works  
 General Arrangement**

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Drawing Status  
**PRELIMINARY**

Job No.  
**C161191**

Drawn	Checked	Scale at A3	Date	Issue Date
RMB	NF	1:500	01/04/16	01/04/16

Drawing No.  
**300**

Revision  
**P9**