

Application Number:	2019/0433	Application Type:	Full
Proposal:	Proposed coffee shop with drive thru	Location:	Rising Bridge Service Station Blackburn Road Rising Bridge
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	1 September 2020
Applicant:	Euro Garages Ltd	Determination Expiry Date:	4 September 2020
Agent:	Alistair Flatman Planning		

Contact Officer:	Neil Birtles	Telephone:	01706-238645
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	Yes
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. **RECOMMENDATION**

That Planning Permission be granted subject to the conditions set out in Section 10 of the Report considered at the meeting of Committee on 21 July 2020.

2. **Background**

A Report in respect of this application was considered at the meeting of Committee held on 21 July 2020. A copy of that Report is appended.

The Report recommended Permission be granted subject to Conditions.

Members discussed the following matters:

- Overall appearance of the site
- Traffic surveys
- Antisocial behaviour
- Noise

Notwithstanding that LCC Highways did not recommend refusal of the application so long as certain Conditions (incorporated in the Officer Recommendation) were imposed, Committee resolved that:

The application was deferred to allow a traffic survey to be completed before coming back to the committee.

In amplification, there was Member discussion about the robustness of Traffic Counts used by the applicant, not least because of the following Condition recommended by LCC Highways:

Not less than 2 months and not more than 6 months after the coffee shop and drive-through first open for business the Applicant shall undertake a review of the operation of the site access off Blackburn Road during the morning, lunchtime and afternoon peak periods, the timing and manner of observation to first be agreed in writing with LCC Highways. Subject to the findings of the review, and an evaluation of the data presented, the Applicant shall submit for approval by the Local Planning Authority (in consultation with the highway authority) a scheme to mitigate any issues with operation of the site access which have been identified. The approved scheme shall be implemented in accordance with a programme submitted to and approved in writing by the Local Planning Authority (in consultation with the highway authority).

Reason: In the interests of highway safety.

Members favoured a further Traffic Survey be undertaken prior to determination of the application (and the scheme amended to avoid any concerns about operation of the site access) rather than have this Traffic Survey undertaken shortly after opening of the coffee shop & drive-through (and any problems then remedied).

Following the Committee meeting the Agent advised:

"We feel we... have already addressed all the concerns raised by Members last night - this is set out clearly in the last Technical Note prepared by DTP (subsequently reviewed and accepted by County Highways).

We have already done significantly more assessment work here than should be required and we have undertaken surveys of the site for the AM and PM peak periods - these surveys were pre lockdown and so are considered robust.

We are unclear how we can present more robust information given the current COVID19 situation - the Chair of Committee raised this - the survey information you have is robust given it was collected pre COVID.

We have also provided traffic survey information from Highways England...that shows the traffic is 35% lower during the midday peak hour thus the busiest two periods to assess are confirmed as being the AM and PM, which we surveyed. We then modelled the access which forecast average queue lengths, including the development traffic, of less than 1 PCU arriving or departing the site.

...we also request the application is placed back on the agenda for the next planning committee...We would then register our highways consultant to speak at committee to explain to Members the work undertaken."

The subsequently-received response from their Traffic Consultant was forwarded to LCC Highways for consideration and comment. LCC Highways has responded to it as follows:

"Technical Note 2 simplifies and reiterates the points made in Technical Note 1.

There is no objection on highway safety grounds to Planning Permission being granted to the proposal. The Conditions stated in your Committee Report are still required.

The monitoring condition 15 gives us comfort that should an issue arise we can work with the developer to resolve the issue.

It would not be possible to replicate the potential issues of circulatory traffic within the car park blocking traffic wishing to get back onto Blackburn Road in a theoretical traffic model - we would need to observe the traffic on the network to see if a problem arises once the site is trading.

There are insufficient highway safety grounds to object to the proposal. However, this is a traffic-sensitive location so we can justify the need for the monitoring condition."

Accordingly, your Officers recommend that Planning Permission be granted subject to the Conditions set out in Section 10 of the Report considered by Members at the meeting on 21 July 2020, a copy of which follows, with an addition to Condition 2 to list as an approved document:

Transport Technical Note 2	3702619	31 / 07 / 20
----------------------------	---------	--------------