

## **Biddulph Neighbourhood Development Order Examination**

### **District Council Responses to Examiner's Initial Comments**

**17<sup>th</sup> November 2021**

**51. I imagine that the current arrangements create major problems for those members of the public with mobility issues. Clearly the present situation is a legacy of the past, but modern expectations are that development should seek to create a more accessible environment for all sectors of society. The installation of new shop fronts, offers an opportunity to address these issues of level changes thereby improving the shops accessibility. Does the Town Council expect that shops taking advantage of the provisions of the Order would retain a stepped access? I also would be interested in the District Council's views on whether a planning application that relied upon a step access would be acceptable? This raises a number of related issues. For example, can the Town Council clarify from what ground level the height of the stall riser would be measured – will it be from the highest or lowest part of the ground level when assessing the design parameter which specifies the height of the stall riser must be between 350mm and 550mm? It does strike me that the two options with shopfronts with side door recessed offer opportunities to create a ramp to allow for example wheelchair access. I would specifically ask the District Council whether this is a matter that would be acceptable under the Building Regulations or related legislation.**

Council's Response:

A planning application that relied upon a stepped access would be acceptable as this issue would be considered as part of Building Regulations rather than planning.

Yes creation of an access ramp would be acceptable under Building Regulations, subject to the application of the appropriate gradient standards.

**52. One of the issues raised by the District Council is the question of the precision in the drafting of the Order. I would be interested in the Town Council's comments on how a shop keeper or a decision maker would know the extent to which a pilaster extends "slightly forward". The wording could cause difficulty in, perhaps, an enforcement situation where there could be different interpretation as to what constitutes "*slightly forward*". I wonder whether the District Council might suggest a suitable dimension to remove that uncertainty.**

Council's Response:

A suitable dimension would be a minimum of 50mm.

**55. There is a slightly problematical interface between the proposed Order and the Town and Country Planning (Control of Advertisement) (England) Regulations 2007, in that some matters that the order may be seeking to control through the Order could be covered by the Advertisement Regulations. For example, some businesses such as chemists and vets are allowed to have illuminated signs without requiring consent to display or the need for planning permission. Equally if a shop owner wishes to have an illuminated sign, then it can apply to the District Council for consent to display the advertisement, which can only be determined having regard only to two grounds, public safety and amenity. The Order's parameter preventing the internal lighting of a transparent shop sign could not preclude the submission of an application for an internally illuminated fascia sign.**

Similarly, if the business has a canopy which is an advertisement, it would be covered by the advertisement regulations, rather than needing planning permission.

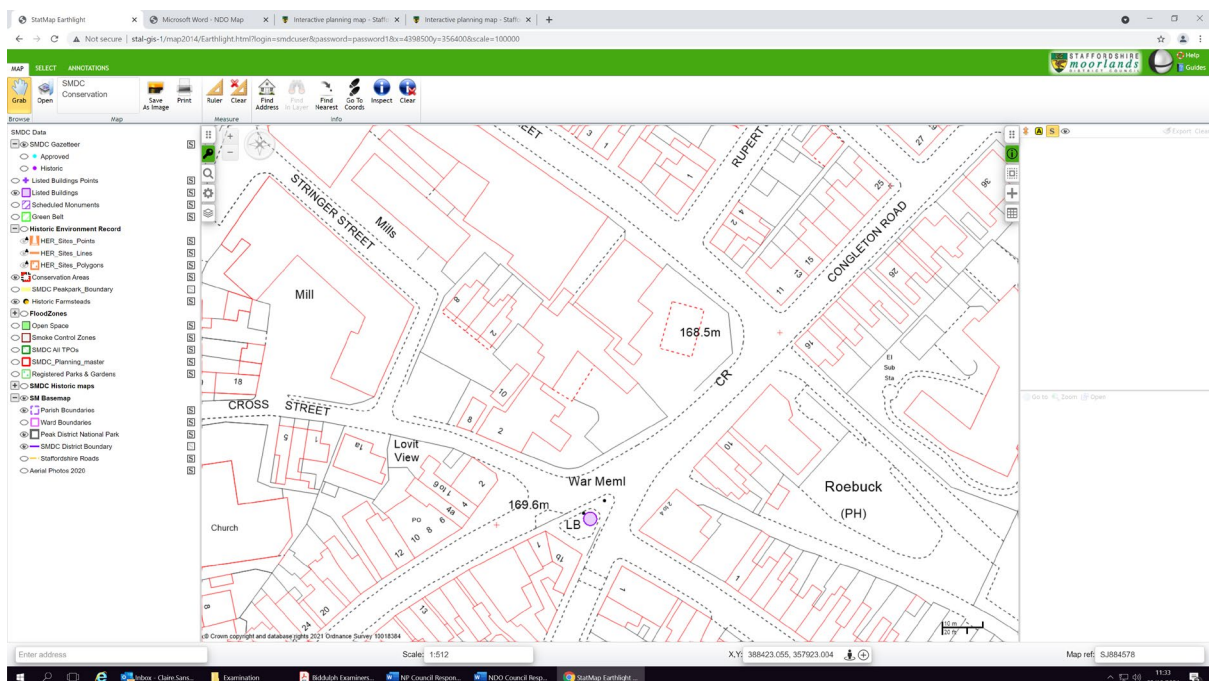
Council's Response:

Suggest that Part VI (Lighting) could be reworded to state that the shopfront design shall not include any built in illumination, which would prevent the use of lighting for any non-advertisement purpose. Advertisement legislation can then cover appropriate lighting in relation to signage.

**57. Can the District Council confirm whether, within the area of the proposed Order, there are any listed buildings and if there are, can they be identified on a map and also please confirm that the Town Centre is not within a Conservation Area?**

Council's Response:

The only listed building / structure within the area of the proposed Order is the War Memorial on Congleton Road, identified by the purple circle on the map below.



Biddulph Town Centre is not within a Conservation Area.