

Substantive response of the Local Highway Authority to a planning consultation received under The Development Management Order.



Response provided under the delegated authority of the Director of Environment & Transport.

APPLICATION DETAILS:

Planning Application Number: 23/00558/FUL

Highway Reference Number: 2023/0558/04/H

Application Address: The Olde Stables Veros Lane Nailstone Leicester Leicestershire CV13 0QF

Application Type: Full

Description of Application:

Change of use of agricultural land to private garden use. (retrospective)

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mrs Teresa Brearley

County Councillor: Cllr Bertie Harrison-Rushton

Parish:

Road Classification: Class C

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) is in receipt of a consultation for the change of use of agricultural land to private garden use at The Olde Stables, Veros Lane, Nailstone. It is understood this is a retrospective application and based on the submitted application form, the work commenced on 30 April 2023 but is yet to be completed.

The submitted application form also states that the Applicant is applying to change the use of the land, currently used as a vacant field, to dual use as a private garden and community garden (Use Class F2(C)).

It is understood the Applicant would like to:

- Host approximately four community fundraising events a year.
- Use the garden for community use, on a weekly basis, during the growing season - it is anticipated that there would be five visitors to site at any one time.

The LHA is aware of application references 18/00942/OUT (three dwellings) and 19/01304/OUT (two dwellings), which fall within the red line boundary of the retrospective development. These applications were both refused planning permission by the Local Planning Authority. Both decision notices include a highways reason for refusal advised by the LHA. In the case of the latter application, the Applicant appealed the decision and this was subsequently dismissed by the Planning Inspector on 22 October 2022.

Site Access/ Trip Generation

Based on the submitted application form, no amendments are proposed to the existing accesses to the site, which are off Veros Lane and an existing access between numbers 20 and 24 Main Street.

Veros Lane is an unclassified, adopted road subject to a 30mph speed limit. The road is a one-way street with vehicular access gained via the A447 and vehicular egress via Main Street. This one-way system is enforced by a Traffic Regulation Order.

Main Street is a C classified road subject to a 30mph speed limit.

The Applicant has suggested access to the residents will be via the rear of 30-32 Main Street, or via the gated access off Veros Lane.

In respect of the change of use of the agricultural land to a private garden, the LHA considers the proposals would have no impact on the surrounding highway network and would not generate an increase in vehicular trips to or from the site, or result in any intensification in use of the existing access points if the garden was to be associated solely with 30-32 Main Street.

The Applicant has however stated that the proposals are also for community use (F2(c)). The LHA note that the Applicant has indicated on the application form that they anticipate that there will be five visitors to site at any one time. In addition it is stated that they anticipate up to four community fundraising events each year. The Applicant considers that it is not anticipated that the community events will generate a need for parking, with most residents visiting on foot. For those unable to walk to and from the event, local residents will provide transportation and take their cars back to their own premises.

The LHA advise that while the Applicant states there would be five visitors to the site at any one time, it is unclear how many visitors this could equate to in a day. Furthermore, it is unclear as to what scale the seasonal events would be, with no indication as to the maximum number of people likely to be in attendance. The LHA consider that it would not be possible to restrict private car usage to/from the community garden or any events as this would be difficult to enforce. The LHA therefore questions where visitors to the garden or events would park if they did arrive in their own car, as no car parking provision is proposed. Furthermore, visitors to the site may prefer to drive should they need to bring gardening tools as part of their visit.

Given the appeal decision for application reference 19/01304/OUT, the LHA advise it has concerns with any proposals which could cause an intensification in use of Veros Lane, as this would subsequently result in an intensification in turning movements from the A447 on to Veros Lane. The A447 is a key route linking the A511 to Hinckley and subject to a 50mph speed limit at this location. Forward visibility of right turning drivers is considered to be severely restricted at this junction. The LHA has concerns that in the event parking provision was made within the site, even if it was just for events, that this would need to be accessed off Veros Lane.

It is therefore suggested the Applicant gives further consideration to parking provision for the site, as well as where this would be accessed from. It is strongly suggested that any parking provision is accessed off Main Street, subject to a safe and suitable access being demonstrated which is in accordance with Part 3 of the Leicestershire Highway Design Guide (available at <https://resources.leicestershire.gov.uk/lhdg>). This would need to take into consideration pedestrian and vehicular visibility splays as well as the access width in particular. The LHA advises that any vehicular access for the community use of the site off Veros Lane could raise considerable concerns to the LHA.

Highway Safety

Based on available records to the LHA, three Personal Injury Collisions (PIC's) have occurred within 500m either side of the junction with Veros Lane with the A447 during the last five years. All three PIC's were recorded as slight. Two occurred to the north of the junction with one involving a right turning vehicle, an overtaking vehicle and an additional turning vehicle and the other one involving a rear end shunt at temporary traffic signals. The third PIC occurred to the south of the junction and involved a right turning vehicle.

There have been no recorded PIC's along Main Street within the same timeframe.

Closing

The LHA would advise the Applicant that the following additional information is required to be submitted to the LPA, for consideration by the highway authority:

- Clarification as to the number of daily visitors to the site as well as maximum number of attendees at events.
- Further consideration of vehicle parking and where this would be accessed from.

Date Received
14 June 2023

Case Officer
Ben Dutton

Reviewer
DH

Date issued
18 July 2023