

**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.

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**APPLICATION DETAILS**

Planning Application Number: 23/01020/OUT

Highway Reference Number: 2023/1020/04/H/R1

Application Address: Field Maple House 34 Lindridge Lane Desford Leicester Leicestershire LE9 9GN

Application Type: Outline (with access)

Description of Application: Re-consultation. Outline planning permission for the construction of up to 5 dwellinghouses (some matters reserved except for access)

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**GENERAL DETAILS**

Planning Case Officer: Matt Jedruch

Applicant: Mr And Mrs Vesty

County Councillor: Cllr Peter Bedford

Parish: Desford

Road Classification: Class C

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**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 advice is that the residual cumulative impacts of the development are severe in accordance with the National Planning Policy Framework (December 2023) and the Local Planning Authority is advised to consider refusal on transport/highway grounds for the reasons outlined in this report.

**Advice to Local Planning Authority**

**The Local Highway Authority (LHA) advises the following reason for refusal:**

- 1. The Applicant has failed to demonstrate that safe and suitable access for all users would be provided as required by paragraphs 114 and 115 of the National Planning Policy Framework (December 2023).***

**Background**

The LHA previously responded to this application on 20<sup>th</sup> November 2023, advising that further information was required for the LHA to determine as to whether the proposed site access would be considered safe and suitable in accordance with the requirements in the National Planning Policy Framework (NPPF – December 2023) and Part 3 of the Leicestershire Highway Design Guide (LHDG). The LHDG is available at <https://resources.leicestershire.gov.uk/lhdg>.

The Applicant was asked to demonstrate the achievable vehicular visibility splays in accordance with 85th percentile speeds of passing vehicles in the vicinity of the proposed site access. This needed to be supported by the submission of a speed survey. In addition, the LHA advised that it

believed that the visibility splay shown on Draw My Plans UK drawing number BLL(20) 001 crossed third party land to the southwest of the access.

The Applicant was advised to obtain records of the highway boundary and demonstrate that appropriate visibility could be provided either within land under the Applicant's control or the extents of the public highway. The LHA also advised that whilst it considered the proposals could intensify the use of the site, information on the level of daily trips the proposals could generate in comparison to the extant use of the site should be provided, especially if visibility splays at the existing access point fell below the requirements detailed in the LHDG.

The LHA understands that no further information will be submitted by the Applicant and the LPA is seeking to determine this application, therefore these final observations have been prepared on this basis.

As per the LHA's previous observations, these final observations have been based upon a review of the following submitted drawing:

- Draw My Plans UK drawing number BLL(20) 001 (Existing and proposed plans).

The LHA previously advised it had no objection to the site access geometry shown on Draw My Plans UK drawing number BLL(20) 001, despite the excess width proposed. The LHA's concerns relate solely to the visibility splay to the southwest of the access, which is shown to cross third party land.

In the absence of a speed survey, the LHA have interrogated their own database to ascertain if any relevant survey data is available, however the LHA is unable to locate any data close to the site access.

Nevertheless, the LHA are aware of nearby application reference 23/00445/OUT for four dwellings, where an access was proposed approximately 70m northeast of the proposed access for this application. A speed survey was undertaken on Lindridge Lane as part of that application to inform visibility splays. 85<sup>th</sup> percentile speeds of 37.7mph northbound and 40.7mph southbound were recorded. As a guide, should similar speeds be recorded in the vicinity of the access for this application, visibility splays of 2.4 x 65m in each direction would be required. This does not appear to be achievable to the southwest of the access within land under the Applicants control or the extents of the public highway, based on the information available and the LHA's own assessment using the highway boundary extents.

Based on the submitted drawing, the LHA have measured a visibility splay of approximately 2.4 x 36m could be achieved to the southwest of the access within land under the Applicants control and the extents of the public highway. This is with an offset distance of 1.0m into the carriageway. The visibility splay would therefore typically be considered substandard in accordance with Table DG4 of the LHDG, to the detriment of highway safety. This further supports the LHAs request for an appropriate up to date speed survey to ensure that adequate visibility is provided at the site access in the interests of highway safety.

The LHA would also usually expect a Stage one Road Safety Audit to be submitted in support of the site access proposals, along with a Designer's Response to any problems raised, however such a document has not been provided. In addition, in the absence of any consideration of the highway boundary extents by the Applicant, the LHA does not have any evidence to suggest that

this is incorrect, or that the proposals could result in a reduction or equal amount of traffic using the site in comparison to the extant use.

The LHA reiterate that, it is understood that the further information required will not be forthcoming prior to determination of this application. Therefore, the Applicant has failed to demonstrate a safe and suitable site access would be supplied with adequate visibility. This is therefore contrary to Paragraphs 114 and 115 of the NPPF (December 2023).

### **Closing**

This final advice is provided on the basis that the LPA is seeking to determine the application. The LHA has considered the information and assessment which remains outstanding and finds this level of information both entirely appropriate for the scale of development proposed and necessary to enable a fully informed appraisal to be undertaken and substantive advice to be provided.

On this basis the LHA regrettably has no alternative than to advise the LPA of the highway reason for refusal as outlined above.

**Date Received**  
**28 October 2024**

**Case Officer**  
**Ben Dutton**

**Reviewer**  
**RD**

**Date issued**  
**08 November 2024**