

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: 23/00853/OUT

Highway Reference Number: 2023/0853/04/H/R3

Application Address: Land Between 80 And 82 Main Street Carlton Nuneaton Leicestershire CV13 0EZ

Application Type: Outline

Description of Application:

Re-consultation. Outline planning permission for the provision of two detached dwellings and associated parking to the land between 80 and 86 Main Street, Carlton (All matters reserved except for Access)

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mr John Oakley

County Councillor: Bertie Harrison-Rushton

Parish: Carlton

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 Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) have been re-consulted on full application 23/00853/OUT for the outline planning permission for the provision of two detached dwellings and associated parking to the land between 80 and 86 Main Street, Carlton (All matters reserved except for access). The proposed access is between 80 and 82 Main Street, Carlton, Nuneaton, Leicestershire, CV13 0EZ.

The LHA have responded several times to the Local Planning Authority (LPA), with the last observations provided to the LPA on 3 January 2024. Contained within those observations the

LHA sought the re-location of the 'Bin Collection Point (BCP)' due to it clashing with the access for Public Right of Way S50.

Site Access/Public Right of Way (PRoW) S50

In response to the LHA's observations the Applicant has provided 'Proposed Site Access', drawing number CH001 Rev 03. This demonstrates that the BCP has now been re-located to the west of the access and no longer clashes with PRoW S50.

As previously stated by the LHA comments, there is a need for detailed discussion on the surface treatment of the PRoW S50 and it is advised that such provision is dealt with at the RM stage.' That latter point is still valid and should be addressed at the RM stage.

Given the above, the LHA would not seek to resist the proposals subject to the following conditions.

Conditions

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Access, drawing number CH001 Rev 03 have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

2. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 54 metres have been provided at the site access in both directions. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (December 2023).

3. The development hereby permitted shall not be occupied until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023)

4. Notwithstanding the submitted plans, no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, and should be hung to open away from the highway.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (December 2023).

5. No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction, surfacing, width, structures, signing, and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: to protect and enhance Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework (December 2023).

Informative

- a) Prior to construction, measures should be taken to ensure users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
- b) Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- c) If there are any Public Rights of Way the applicant considers impracticable to retain on their existing lines, a separate application for diversion is needed. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- d) If the developer needs a Right of Way to be temporarily diverted, for up to six months, so construction works can take place, at least 12 weeks before the temporary diversion is required, application should be made to networkmanagement@leics.gov.uk.
- e) Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- f) Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- g) No new gates, stiles, fences or other structures affecting a Public Right of Way, either temporary or permanent, should be installed without written consent from the Highway Authority. Unless a structure is authorised, it is an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

Date Received
17 January 2024

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
29 January 2024