DEVELOPMENT SERVICES
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HINCKLEY & BOSWORTH BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990

A WRITTEN STATEMENT SUBMITTED BY S. J. HILL ON BEHALF OF THE HIGHWAY AUTHORITY (LEICESTERSHIRE COUNTY COUNCIL) IN CONNECTION WITH AN APPEAL MADE BY MR P FINNEY IN RESPECT OF THE REFUSAL OF PLANNING PERMISSION BY THE HINCKLEY & BOSWORTH BOROUGH COUNCIL TO ALLOW CHANGE OF USE OF LAND TO PRIVATE GYPSY SITE FOR FOUR CARAVANS AT LAND AT HEATH ROAD, BAGWORTH, LEICESTERSHIRE.

Planning Ref: 09/00995/COU D.O.E. Ref: APP/K2420/A/10/2124138/NWF

THE APPEAL PROPOSAL

1. The application as submitted sought permission to provide a new gypsy site which comprises four caravans, the formation of hard standing areas, the erection of fencing and the planting of trees on land off Heath Road. Vehicular access to the development is proposed to be taken via an existing vehicular access from the Class III (C5105) Heath Road, Bagworth.

2. Leicestershire County Council as Highway Authority were consulted by Hinckley & Bosworth Borough Council as Local Planning Authority on the submitted Planning Application on the 12 January 2010. The Highway Authority responded to Hinckley & Bosworth Borough Council with a formal recommendation for refusal of the application (see attached Appendix 1) on the 4 February 2010 in the following terms:-

   "The proposal, if permitted, could lead to an increase in traffic over and above that as a result of the lawful use, using an access onto an unrestricted (60mph) Class III (C5105) road where the horizontal alignment and the proximity of adjacent boundaries are such that the access lacks appropriate visibility for the speed of traffic on the main road and the turning manoeuvres would be an additional source of danger to road users and not in the interests of highway safety.

   The proposal, if permitted, could lead to an increase in turning traffic over and above that as a result of the lawful use, using an access onto an unrestricted (60mph) Class III (C5105) road where there is no street lighting, outside the limits of the built up area, where the turning

manoeuvres would not be expected, would be an additional source of danger to road users and not in the interests of highway safety."

THE APPEAL SITE AND SURROUNDINGS

3. The junction of the private access serving the site and C5105 Heath Road is approximately 958 metres to the south of the village of Bagworth.

4. The existing vehicular access to the appeal site is in the form of a dropped crossing serving a vehicular access which has a metalled surface with a width of approximately 11 metres at the edge of the carriageway. The hard surfacing extends for a distance of approximately 3.9 metres behind the carriageway edge.

5. At a point adjacent to the appeal site's vehicular access onto Heath Road, the highway has an approximate overall width of 12 metres, comprising some 3.3 metres wide grass verge on the appeal site side, a carriageway of some 6.2 metres wide and a 1.5 metre wide footway with an approximate 1 metre wide hedgerow to the rear on the opposite side of the road.

6. Adjacent to the appeal site, the Class III Heath Road has a white centre line warning system comprising of approximately 6 metre white lines with 3 metre gaps. There are cats eyes laid in the centre of the carriageway.

7. This section of the Class III road adjacent to the appeal site is subject to the national speed limit of 60 mph.

8. There is no street lighting within the vicinity of the appeal site.

9. It would appear that visibility out of the access onto Heath Road is 93 metres to the right hand side from a set back distance of 2.0 metres. It would appear that visibility to the left hand side from a set back point of 2.0 metres at the centre of the access is appropriate (i.e. 215 metres).

10. Approximately 18 metres to the north-west of the vehicular access there is a slow carriageway marking and an associated left hand bend warning sign erected at the back of the footway. Similarly, there is a slow marking and right hand bend warning sign situated to the south east of the bend for vehicles approaching from the opposite direction.

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POLICY AND GUIDANCE

11. The design policy guide covering Leicestershire is "Highways, transportation and development" (Htd). Originally developed by Leicestershire County Council it has since been adopted by Leicester City Council, Derbyshire County Council and Nottinghamshire County Council. It was drawn up by a working party comprising officers from Leicestershire County Council and a representative of the district planning authorities. The working party consulted widely with a range of public and private bodies, almost 3000 Leicestershire households, all other Leicestershire local authorities and the emergency services before presenting its proposals for approval.

12. The project team consulted with Government Office East Midlands (GOEM) regarding the content and status of "Highways, transportation and development". GOEM advice was that in view of changes in the planning legislation it would be appropriate to adopt the document as County Council Policy.

13. Htd was adopted as a policy document by Leicestershire County Council on 22/9/04. The document replaced the previous publication "Highway Requirements for Development". Since 22/9/04, it has been regularly reviewed to ensure that it remains relevant and up to date.

14. The document "Highways, transportation and development" reflects government policy and guidance, particularly PPS3, PPG13, and the most recent version, adopted by full Council in December 2007 and updated in April 2009, has been prepared to take account of the Manual for Streets and the new Guidance on Transport Assessments. The guidance it contains reflects the evidence based work carried out to support the Manual for Streets. It is also supported by other local policies and strategies, including the Local Transport Plan and the County Council's walking and cycling strategies. The authorities who have adopted the document are to continue to develop Htd to ensure that it reflects national, regional and local policies.

15. The Leicestershire County Council document "Highways, transportation and development" can be accessed by the web at www.leics.gov.uk/htd.

16. In connection with previous appeals, Planning Inspectors have attached significant weight to the document and have accorded it supplementary planning guidance status.

17. The Leicestershire County Council's Highways Development Control policy is stated clearly in Section IN4 paragraphs 1.24 to 1.26 (appendix 2). It is reasonable to conclude from the policy statements that development should only be considered acceptable where access roads are suitable for the type of development and it must be safe for all road users, promote road safety and reduce personal safety risks whether real or imagined.

18. The policy regarding access to the road network is stated clearly in Section IN5 paragraphs 1.27 to 1.35 (appendix 3). The Highway Authority will expect that access layout will comply with appropriate design guidance and it will recommend refusal of any planning application that raises concern about highway safety.

19. Generally, in accordance with Section IN5 paragraph 1.32, on other classified roads (Class III roads such as Heath Road) and unclassified roads, new accesses and the increased use of existing accesses will normally be resisted on roads without street lighting and where there is an existing problem with road safety.

20. Annex B of the March 2001 edition of Planning Policy Guidance Note (PPG13) provides guidance for the control of development with access to trunk roads. Furthermore specific clauses from Annex B state that:-
"Whatever the type of access, safety considerations will be paramount"
"Local Authorities should apply the same principles when formulating their policy on local roads".

21. The December 2001 edition of Government Circular "Control of Development Affecting Trunk Roads and Agreements with Developers" superseded Circular Roads (CR) 4/88. Selected text from Part 1 (Access to all-purpose trunk roads) of the document refers to research into accidents and states that:-

"Vehicles about to leave the main road are bound to slow down in relation to the higher traffic speed of those staying on the main road, while vehicles joining the main road will take time to match the speed of traffic already on it. Tail end collisions can take place in these circumstances. Safety issues also arise in the case of an access that provides for a right turning movement across the opposing traffic flow. There is then the added hazard of collision between a faster moving vehicle and one that is effectively stationary".

22. The principles contained in the Highways Agency Technical Directives TD9/93, TD 41/95 and TD42/95 and Department of Transport Advice Note TA 57/87 should also be taken into consideration when dealing with the control of development.

23. Department of Transport Advice Note TA 57/87, Roadside Features and more recently Highways Agency Advice Note TD 41/95, Vehicular Accesses To All Purpose Trunk Roads, cite the results of studies into accidents. TA 57/87, paragraph 9.3.1 states that: -

"In 1985 60% of all personal injury accidents on roads occurred at junctions of which 10736 (or 4.4%) were described as private drives or entrances".

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24. TD 41/95 Annex 1, paragraphs A1.13 and A1.14 state:-

"There was a reduction in personal injury accidents in Great Britain between 1980 and 1992, the latest year for which figures are available. As indicated in paragraph 1.8, accidents associated with junctions and accesses have not fallen as fast as others. Although accidents at junctions and direct accesses have only fallen by 2% there has been a significant reduction in the severity with fatal and serious accidents falling by 36% in urban areas and by 11% and 32% respectively in rural areas. Slight accidents on the other hand increased by 4% in urban areas and soared by 49% in rural areas to just over 18000. Considering just those accidents reported as occurring at private drives or entrances (the least used of accesses), these have risen by 15% between 1980 and 1992. On rural roads, fatal accidents have increased by 28%, but serious accidents (considerably more), have fallen by 32%. Slight accidents have increased by 42% to 2319. Overall, on rural roads, personal injury accidents have increased by 16%".

25. TD 41/95 continues in paragraph 1.17 with respect to private drives and entrances and states:-

"It has to be recognised that conflicting traffic movements in and out of them are quite low and accidents are therefore sparsely distributed among numbers of lightly trafficked accesses, nonetheless they do constitute a very real risk".

26. In 2000, the report "Tomorrows Roads- Safer for Everyone" was published by the Department of the Environment, Transport and the Regions which

set out the Government's road safety strategy and casualty reduction targets for 2010. This included 3 targets: "a 40% reduction in the number of people killed or seriously injured in road accidents; a 50% reduction in the number of children killed or seriously injured; and a 10% reduction in the slight casualty rate". The DfT is currently consulting on a new road safety strategy to cover the period 2010 to 2020. 'A Safer Way: Making Britain's Roads the Safest in the World' looks to continue the progress made in the last 10 years and rise to particular challenges such as reducing the number of road deaths, improving safety on rural roads and encouraging more walking and cycling by reducing the risk to individual walkers and cyclists on the transport network. The proposed strategy increasingly recognises the key role that improving road safety will play in supporting wider Government objectives such as supporting the economy, protecting the environment and improving public health.

27. Reducing road casualties is a priority in the Leicestershire Local Transport Plan 2006-2011 (LTP2), published in March 2006. The strategy for improving road safety contained in the LTP2 includes challenging casualty reduction targets. The strategy is based upon providing a safer road environment, managing speed, improving safety for vulnerable road users and for people in disadvantaged communities and encouraging safer driving. The role of infrastructure design and access to new development is acknowledged. Key outcomes are currently monitored through a robust performance management regime. Significant progress has been made in the first 3 years of LTP2 in reducing the number of people and children killed & seriously injured, the number of motorcyclists killed & seriously injured and the number of slight injuries on Leicestershire's roads.

28. The Leicestershire County Council publication 'Highways, transportation and development' supports the strategy and targets for improving road safety contained in the LTP2 and in Government road safety strategy documents.

TRAFFIC

29. The most recent traffic flow census within the vicinity of the appeal site was carried out by Leicestershire County Council on the 1 October 2002 at a location approximately 0.75 kilometres to the south of the appeal site at the junction of Heath Road and Heath Road (both roads have the same name; one runs east to west and the other north to south, see Appendix 4). It can be seen from the data that there was a combined two way flow over a 12 hour period of 1298 vehicles on the north-south Heath Road

(643 vehicles travelling north and 655 vehicles travelling south). It is suggested that these figures would be fairly representative of the likely traffic levels passing the appeal site's vehicular access and they go to indicate that Heath Road is relatively lightly trafficked.

30. A traffic speed survey was carried on 13/7/09 at a distance of approximately 83 metres to the south east of the appeal site access. Measured 85th percentile wet weather speeds for vehicles travelling to the north-west were 45.91 mph and 49.11 mph for those travelling to the south-east (appendix 5) [Advice Note TA22/81 states that the wet weather traffic speed may be calculated by subtracting 4kph (2.49 mph) from the observed dry weather 85th percentile traffic speed].

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ACCIDENTS

31. There have been 5 recorded personal injury accidents within 576 metres in either direction from the appeal site during the 5 years up to present date (appendix 6). The accident details recorded include 2 serious accidents.

32. All 5 accidents occurred at bends and 2 involved head-on collisions with vehicles travelling in the opposite direction. One accident occurred as a consequence of skidding in icy conditions.

33. The presence of these injury accidents confirms that hazards exist along Heath Road. Taking into consideration the characteristics of the accidents it would be reasonable to suggest that a significant contributory factor was poor judgement while travelling at speed.

ASSESMENT OF THE LIKELY TRAFFIC IMPACT

34. The existing lawful permitted use of the site is agricultural land.

35. The Countryside Agency published a report in May 2002 titled "Traffic and Transport Issues in Farm Diversification" (Their Ref. CAX 108). The report is an analysis of questionnaires returned from 28 case study farms recording traffic movements over a complete week associated with the residential, business and operational use of the farms.

36. In general the study revealed that the average number of vehicular movements (trips) associated with the residential, business and operational use of the farms was 126 trips per week. (Between 18 and 21

trips per day i.e. 6 or 7 day week). As the lawful use of the site that is the subject of the appeal is not the residential, administrative and operational headquarters of a working farm, but only agricultural land, it is likely that it would generate only a small percentage of these trips. Traffic generation associated with an agricultural use is not consistent, is subject to seasonal fluctuation and on average is low key.

37. The current lawful use of the land for agricultural purposes suggests that the land would generate very few if any vehicular movements in its own right.

38. Whilst the Highway Authority is not in a position to demonstrate exactly how many vehicular trips the proposed use would generate through the access on a daily basis, it is considered there would be a significant intensification in use of the existing vehicular access to the appeal site over and above that as a result of the lawful use if the development were permitted.

39. The Leicestershire County Council is a license holder and has access to the TRICS (Trip Rate Information Computer System) Database. TRICS gives details of the likely trip generation rates following extensive surveys for a range of developments. Information provided on this database suggests that on a weekday, privately owned housing generates a mean of 6.83 trips per household. Whilst the value suggested relates to more conventional housing, it is considered that it can still be applied to the appeal site. In addition to the trips associated with the residential aspect of the proposal it should be borne in mind that most gypsy families will also operate some sort of business from the site with its associated traffic movements. Gypsy families will usually run commercial type vehicles.

40. The appeal site is not at a sustainable location in proximity to built up areas, is not served by public transport links and is not easily accessible by walking. At this location, dependency on the motor vehicle will be increased and therefore the daily trip rate generated by the proposed development is likely to be higher.

HIGHWAY SAFETY

41. The objection to the proposed development relates to the increase of turning traffic onto and off Heath Road. Any turning manoeuvre onto or off any road presents a potential hazard. It is not only dependent on the volume and speed of traffic on the road, but also whether drivers travelling

along that road would be expecting/anticipating such turning movements to take place. It is considered that the majority of drivers travelling along Heath Road would not anticipate vehicles entering or exiting the vehicular access into the appeal site at a point remote from the built up area. As a result, driver confusion is likely to occur, to the detriment of Highway safety.

42. Appropriate visibility splays for an access onto a highway should be set out in accordance with the guidance contained in the Leicestershire County Council publication "Highways, transportation and development".

43. With reference to the guidance identified in paragraphs 20-25 of this statement the visibility standards referred to above are supported by details contained in the Highways Agency technical directive TD41/95 Chapter 2 page 2/4 Clauses 2.21 and 2.22.

44. The appropriate visibility for a shared private drive onto a major road where the speed limit is 60mph (100kph design speed) should therefore be 2.4m x 215m. Taking into consideration the 85th percentile speed of traffic on Heath Road [45.91 and 49.11 mph (appendix 5)] the desirable visibility should be at least 160m.

45. At the existing vehicular access to the appeal site, the full road visibility available to the right (south east) for the driver of an emerging vehicle, measured in accordance with recommendations contained in the Leicestershire County Council current document "Highways, transportation and development" (see attached appendix 7) and the Highways Agency document TD42/95, "Geometric Design of Major / Minor Priority Junctions" (see attached appendix 8) when considering a set back 'X' distance from the edge of carriageway of **2.0 metres** is approximately **93 metres** (see paragraph 9).

46. The available visibility at the access is therefore significantly less than the desirable standard contained in the Leicestershire County Council current design document "Highways, transportation and development" as contained in appendix 7.

47. Considering this low amount of visibility available both to and from emerging vehicles, any intensification in use of the existing access that this development would generate would not be in the interests of Highway safety.

48. Available forward visibility for vehicles approaching from a south-easterly direction towards a vehicle waiting to turn right into the site is within the region of **107 metres**. The forward visibility splays are measured from a point 1.50 metres into the carriageway from the kerb line. The need for forward visibility splays is discussed in the Highways Agency document TD41/95 (see attached Appendix 9) and the standards required are then cross referenced to and contained in the Highways Agency document TD 9/93 (see attached appendix 10). The available forward visibility is substandard when considering the above guidance. The desirable minimum towards the access and right turners is 160 metres for a road with an 85 kph design speed. As forward visibility splays are substandard from the south east, the Highway Authority consider that the development if permitted would create additional dangers for road users at this location, especially when considering the type of vehicles likely to be using the access including vans and lorries.

49. Heath Road has no street lighting and so vehicles waiting to turn out of the access may not have good visibility of vehicles travelling on the main road that would be approaching. The absence of street lighting makes it more difficult to make judgements regarding the speed of oncoming traffic and to allow time to accelerate up to the general speed of the traffic on the highway.

50. Visitors to the site who are not familiar with the access may have difficulty in finding the location of the access and seeing in advance where it is. This would be exacerbated by bad weather or dark conditions in the absence of streetlighting.

51. The existing access has been surfaced in tarmacadam but the Appellant did not have the appropriate and lawful consent from the Highway Authority to carry out such works. The internal driveway behind the Highway boundary is covered in loose aggregate.

OBSERVATIONS ON THE GROUNDS OF THE APPEAL

52. "The traffic generated by the proposed use is entirely domestic in nature and very low in volume."

As described in paragraph 38 above, the proposal is likely to lead to a significant increase in turning traffic at the access over and above that in connection with the lawful use of the site.

53. "As the speed of traffic only marginally exceeds this figure, the available visibility, which is over 400m to the north and 135m to the south along the nearside verge, is broadly in accord with national guidance. Drivers emerging from the site or entering the site have good visibility of approaching vehicles."

As described above, the achievable visibility splay to the right hand view (93 metres) is significantly below the desirable standard contained in local and national guidance.

54. "The Highway Authority has suggested that visibility should be 160 metres, which is the required visibility where the 85th percentile speed is 85kph. Given that the traffic speeds on this road are much closer to 70kph than to 85kph, the Highway Authority's stance seems unnecessarily inflexible."

In accordance with the guidance contained in 'Highways, transportation and development', visibility splays of not less than 160 metres are appropriate. The available visibility to the south-east i.e. 93 metres, is significantly lower than even the distance required for a 70 kph (43.75 mph) design speed i.e. 120 metres.

55. "The assertion that turning manoeuvres would not be expected on such a road is without foundation."

For the reasons described above, turning manoeuvres at the location of the access to the appeal site would not be expected by other road users.

56. "The highway authority's assertion that other motorists may not anticipate turning manoeuvres is further mitigated by good standards of forward visibility for the drivers of vehicles approaching the site."

As described above, the available forward visibility i.e. approximately 107 metres, is significantly below the desirable standard i.e. 160 metres.

OTHER RELEVANT APPEALS

57. Appeal Refs: APP/K2420/C/04/1144490 and APP/K2420/A/04/1144556 Land at Heath Road, Bagworth (appendix 11). Consideration has been given to 2 previous appeals at the site of the present appeal against the refusal of planning permission to allow the change of use to a gypsy caravan site and against an enforcement notice requiring the Appellant to cease using the land as a site for caravans and/or mobile homes.

58. In their judgement the Inspector commented: - "The visibility towards the right is the most critical and, whilst the access may in the past have been used by agricultural vehicles, the use for the present development is, in my opinion, wholly different...The County Council estimated, from the TRICS database, that the number of trips from this residential use could be a minimum of 11 a day, but I consider that this is very likely to be exceeded". The Inspector also commented "occasionally, the caravans would be pulling off and returning to the site, and this form of manoeuvre could be of higher risk because of the combined length and slowness of a vehicle and caravan". The Inspector concluded that "visibility standards are applied to reduce accidents in the public interest and this development falls well short of the acknowledged visibility standards...it is therefore contrary to the government's guidance on highway safety and the development plan policies which support the required standards".

59. Appeal Ref: APP/F2415/A/05/1179057 existing barn, Lower Coplow, Coplow Lane, Billesdon, Leicestershire (appendix 12). Consideration has been given to an appeal at this site against the refusal of planning permission to allow the conversion of an existing barn complex to a single dwelling. The site was not the residential, administrative and operational headquarters of a working farm, but only a number of agricultural buildings. Coplow Lane is an unrestricted (60mph) Class III classified road (C4309). It was suggested that motorists would feel reasonably confident with speeds of 45-50mph on Coplow Lane adjacent to the site.

60. In their judgement the Inspector commented: - "...I saw on my site visit that Coplow Lane carried reasonably fast-moving traffic and that visibility for drivers entering the highway from the access track was impeded by trees, hedges and bushes...Whilst I acknowledge that farm vehicles already use the access track I take the view that vehicular traffic associated with the proposed dwelling would be much more intensive". The Inspector concluded that "In this context I consider that in the interests of highway safety visibility splays in the order of 2.4 metres x 160

metres, as suggested by the Highway Authority, should be achievable at the junction of the access with Coplow Lane. However, the drawings submitted do not indicate how visibility splays of this nature could be achieved. In the absence of such evidence I have concluded that the increased use of the access could give rise to serious hazards for other users of Coplow Lane; this would be harmful to highway safety".

CONCLUSIONS

61. The appeal proposal fails to comply with the adopted highway standards of Leicestershire County Council and it therefore represents a significant risk to Highway safety. In the circumstances, I respectfully request that this appeal be dismissed.

CONDITIONS

The following conditions are suggested in the event that the Inspector is mindful to allow the Appeal but the suggestions should not be interpreted as an indication that the development is acceptable in highway terms and should not be taken into consideration in the determination of the Appeal.

Details of parking facilities within the site shall be submitted to the LPA for approval in writing. Within 2 weeks of the granting of planning permission, the approved parking shall be provided and shall thereafter not be obstructed and shall permanently remain available for car parking.
Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the Highway boundary and shall be hung so as to open inwards only.
Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

Within 2 weeks of the granting of planning permission, the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

Within 2 weeks of the granting of planning permission, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
Reason: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

Within 2 weeks of the granting of planning permission, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

Details of suitable signing to be located at the access shall be submitted to the Local Planning Authority for approval in writing. Within 2 weeks of the granting of planning permission, the approved scheme shall be provided and thereafter shall be so maintained.
Reason: Given the hidden nature of the site from the road, drivers may not readily locate the property from Heath Road. The signing is in the interests of the safety of road users.

PDS/SH/ZZ667/19-4-10

Appendices

Written statement of S.J. Hill in connection with Planning Appeal at Land off Heath Road, Bagworth, Leicestershire

D.O.E. Ref: APP/K2420/A/10/2124138/NWF

Planning Ref: 09/00995/FUL

Appendix 1

Leicestershire County Council (Highway Authority) consultation responses in connection with 09/00995/FUL, dated 28/01/2010 and 04/02/2010

Leicestershire County Council

PLANNING APPLICATION CONSULTATION RESPONSE

Report of the Director of Highways, Transportation & Waste Management to the Planning Authority relating only to the Highway aspects.

DETAILS OF APPLICATION

Planning Ref No: 2009/0995/04
CE/EN Ref: Previous on Plan-Con 2009/0207/04 2008/6019/04 2006/0281/04 ZZ667
Application Address: Land, Heath Road, Bagworth, Leicestershire
Parish: Bagworth
Applicant: Mr Paul Finney
District Planning Case Officer: Sarah Humphries
Brief Description of Development: CHANGE OF USE OF LAND TO PRIVATE GYPSY SITE FOR FOUR CARAVANS.

OBSERVATIONS

(a) On any Improvement lines: None

(b) On Access Arrangements:

New vehicular access: No **New pedestrian access:** No

Altered vehicular access: No **Altered pedestrian access:** No

(c) On effect on Rights of Way: No

(d) On any new road proposal: No

(e) On application in general:

22/26 & 22/36 Heath Road - C5105

County Councillor David Anthony Sprason

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RECOMMENDATIONS

Note(s) to Planning Officer

The site cannot be considered to be in a good transport choice location and there are no bus stops in the immediate vicinity. As such the proposal will rely heavily upon the use of the car which conflicts with advice as set out in DOE PPG13 in terms of land use planning/sustainability.

Reason(s) for Refusal

The proposal, if permitted, could lead to an increase in traffic using an access onto an unrestricted (60mph) Class III (C5105) road where the horizontal alignment and the proximity of adjacent boundaries are such that the access lacks appropriate visibility for the speed of traffic on the main road and the turning manoeuvres would be an additional source of danger to road users and not in the interests of highway safety.

The proposal, if permitted, could lead to an increase in turning traffic using an access onto an unrestricted (60mph) Class III (C5105) road where there is no street lighting, outside the limits

of the built up area, where the turning manoeuvres would not be expected, would be an additional source of danger to road users and not in the interests of highway safety.

Date Received	Date Of Inspection	Inspector	Signed Off
12/01/2010		Simon Hill	28/01/2010

REVISED OBSERVATIONS

Leicestershire County Council

PLANNING APPLICATION CONSULTATION RESPONSE

Report of the Director of Environment and Transport to the Planning Authority relating only to the Highway aspects.

DETAILS OF APPLICATION

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OBSERVATIONS

(a) On any Improvement lines: None

(b) On Access Arrangements:

New vehicular access: No **New pedestrian access:** No

Altered vehicular access: No **Altered pedestrian access:** No

(c) On effect on Rights of Way: No

(d) On any new road proposal: No

(e) On application in general:

22/26 & 22/36 Heath Road - C5105

County Councillor David Anthony Sprason

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RECOMMENDATIONS

Note(s) to Planning Officer

The site cannot be considered to be in a good transport choice location and there are no bus stops in the immediate vicinity. As such the proposal will rely heavily upon the use of the car which conflicts with advice as set out in DOE PPG13 in terms of land use planning/sustainability.

The revised reasons below generally reflect the changes in circumstances from the lawful use of the site and what this constitutes.

Reason(s) for Refusal

The proposal, if permitted, could lead to an increase in traffic over and above that as a result of the lawful use, using an access onto an unrestricted (60mph) Class III (C5105) road where the horizontal alignment and the proximity of adjacent boundaries are such that the access lacks appropriate visibility for the speed of traffic on the main road and the turning manoeuvres would be an additional source of danger to road users and not in the interests of highway safety.

The proposal, if permitted, could lead to an increase in turning traffic over and above that as a result of the lawful use, using an access onto an unrestricted (60mph) Class III (C5105) road where there is no street lighting, outside the limits of the built up area, where the turning manoeuvres would not be expected, would be an additional source of danger to road users and not in the interests of highway safety.

Date Received	Date Of Inspection	Inspector	Signed Off
12/01/2010		Simon Hill	04/02/2010

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Appendix 2

Extract from Leicestershire County Council document 'Highways, transportation and development', Section IN4: Our highways development control policy, paragraphs 1.24 to 1.26

* Leicestershire County Council are currently responsible for the on-going maintenance of the document, including coordination of examples and user comments.

Section IN4: Our highways development control policy

1.24 We will work with developers and planning authorities to make sure new development is only permitted:

- in areas where there is a choice of safe and accessible methods of transport for all road users (including pedestrians and cyclists);
- on roads suitable for the type of development; and
- if the environment is not harmed, including through increased congestion.

1.25 Any highway or transport infrastructure required to support the development must integrate with the existing infrastructure and be built in a way that enhances the quality of a development and does not place a burden on our resources.

1.26 We aim to meet the following specific policy objectives.

- **Road and personal safety:** To achieve developments that:
  - are safe for all users;
  - promote road safety; and
  - reduce personal safety risks (whether real or imagined).
- **Accessibility:** To achieve developments accessible to all vehicles and people, including those with sensory and mobility impairments.
- **Sustainability:** To promote sustainable, high-quality alternatives to the private car and to encourage using sustainable materials wherever possible.
- **The impact on highways and transportation infrastructure:** To make sure the:
  - highways and transportation infrastructure is not adversely affected by developments, including safety and congestion; and
  - impact on people and the environment is minimised.
- **Design quality and future maintenance:** To achieve highway and transportation infrastructure that:
  - contributes to high-quality developments that can be properly and efficiently maintained; and
  - encourages development layouts to be adopted, wherever possible, to safeguard frontagers interests.

  Whole-life costs should be considered when materials and methods of construction are considered.
- **Occupants' and users' satisfaction:** To achieve developments that are appreciated by occupants and users and that meet their likely needs. This will reduce the possibility of future complaints and problems, particularly in residential areas.

We will assess your development proposals against these objectives. Where we consider that your proposals have material implications, we will normally seek to resist your development proposals (for example, by recommending refusal of any planning application).

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Section IN5: Our access to the road network policy

Principles

1.27 To maintain safety and the free flow of traffic, policy in the past has discouraged new accesses onto A- and B-class roads and avoided increasing the use of existing accesses. For the future, and in line with an integrated transport policy, we will adopt a flexible policy on new connections to the road network. We will

Appendix 3

Extract from Leicestershire County Council document 'Highways, transportation and development', Section IN5: Our access to the road network policy, paragraphs 1.27 to 1.35

* Leicestershire County Council are currently responsible for the on-going maintenance of the document, including coordination of examples and user comments.

Section IN4: Our highways development control policy

1.24 We will work with developers and planning authorities to make sure new development is only permitted:

- in areas where there is a choice of safe and accessible methods of transport for all road users (including pedestrians and cyclists);
- on roads suitable for the type of development; and
- if the environment is not harmed, including through increased congestion.

1.25 Any highway or transport infrastructure required to support the development must integrate with the existing infrastructure and be built in a way that enhances the quality of a development and does not place a burden on our resources.

1.26 We aim to meet the following specific policy objectives.

- **Road and personal safety:** To achieve developments that:
  - are safe for all users;
  - promote road safety; and
  - reduce personal safety risks (whether real or imagined).
- **Accessibility:** To achieve developments accessible to all vehicles and people, including those with sensory and mobility impairments.
- **Sustainability:** To promote sustainable, high-quality alternatives to the private car and to encourage using sustainable materials wherever possible.
- **The impact on highways and transportation infrastructure:** To make sure the:
  - highways and transportation infrastructure is not adversely affected by developments, including safety and congestion; and
  - impact on people and the environment is minimised.
- **Design quality and future maintenance:** To achieve highway and transportation infrastructure that:
  - contributes to high-quality developments that can be properly and efficiently maintained; and
  - encourages development layouts to be adopted, wherever possible, to safeguard frontagers interests.

  Whole-life costs should be considered when materials and methods of construction are considered.
- **Occupants' and users' satisfaction:** To achieve developments that are appreciated by occupants and users and that meet their likely needs. This will reduce the possibility of future complaints and problems, particularly in residential areas.

We will assess your development proposals against these objectives. Where we consider that your proposals have material implications, we will normally seek to resist your development proposals (for example, by recommending refusal of any planning application).

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Section IN5: Our access to the road network policy

Principles

1.27 To maintain safety and the free flow of traffic, policy in the past has discouraged new accesses onto A- and B-class roads and avoided increasing the use of existing accesses. For the future, and in line with an integrated transport policy, we will adopt a flexible policy on new connections to the road network. We will

severely restrict access to the most important high-standard routes. Elsewhere, particularly in urban locations, in principle we will apply a more flexible approach. Please see paragraph 1.29 onwards for full details.
1.28 Where access is acceptable to us in principle, we will normally expect its layout to comply with the design guidance set out in Part 3. We will recommend refusal of any planning application that raises concerns about road safety. Approval for the access (and any associated development) will also depend on the planning authority where planning permission is required.

Access to A- and B-class roads

1.29 We will normally apply restrictions on new accesses for vehicles and the increased use of existing accesses on:

- roads with a speed limit above 40 mph (that is 50mph, 60mph or 70mph) or where measured vehicle speeds are in excess of 40mph;
- roads with a speed limit of 40mph or less which are essentially rural in nature;
- roads without street lighting;
- routes where the access would affect bus-corridor or bus-priority measures being put in place;
- roads that are at or near capacity (cannot carry more traffic); and
- roads where there is an existing problem with road safety.

1.30 Elsewhere, we will not normally restrict new accesses for vehicles, as long as they meet the conditions of paragraph 1.28. Also, where a number of developments are proposed along a section of road, the risk of accidents occurring will be reduced if they are accessed from a service road with a single point of access on the main road.
1.31 If access to a development can be gained off a minor or side road, you should normally consider this option as preferable (with improvements to the junction of the minor side road with the main road as necessary).

Access to other classified roads and unclassified roads

1.32 New accesses for vehicles and the increased use of existing accesses will normally be restricted on:

- roads without street lighting;
- routes where there are proposals for bus-priority measures;
- roads where there is an existing problem with road safety;
- roads where there are proposals to establish quiet lanes; and
- other routes that are not suitable to carry the additional traffic and type of traffic from the development.

1.33 Elsewhere, new accesses for vehicles will not normally be restricted, if they meet the conditions of paragraph 1.28. Also, if access to a development can be gained off a minor or side road, you should normally consider this option as preferable.
1.34 In rural areas, new accesses for vehicles and the increased use of existing accesses will not normally be resisted in principle to:

- land allocated for development in the local plan;
- agricultural land (that is remaining in agricultural use); and
- a new, better access to replace an existing one.

1.35 This is subject to the conditions in paragraph 1.28.

Section IN6: About the Highways Agency

1.36 The Highways Agency, which is an agency of the Department for Transport (DfT), is responsible for the motorway and trunk road network in England. Its stated aim is "safe Roads, Reliable Journeys, Informed Travellers".
1.37 The Highways Agency has its own approach to considering the impacts of development proposals on roads it is responsible for. It also has its own requirements where it is necessary to alter or improve one of its roads to accommodate a development.

Appendix 4

Classified vehicle count Site: 45060001 at the junction of Heath Road and Heath Road, Bagworth, Leicestershire, Tuesday 1 October 2002



TARA Sites show Site Numbers

LEICESTERSHIRE COUNTY COUNCIL

Heath Road

SCALE

DATE 19 Apr 10

DRAWN BY

TRANSPORT POLICY AND PROGRAMMES COUNTY HALL LE3 8RJ

DRG No.

Highways and Transportation

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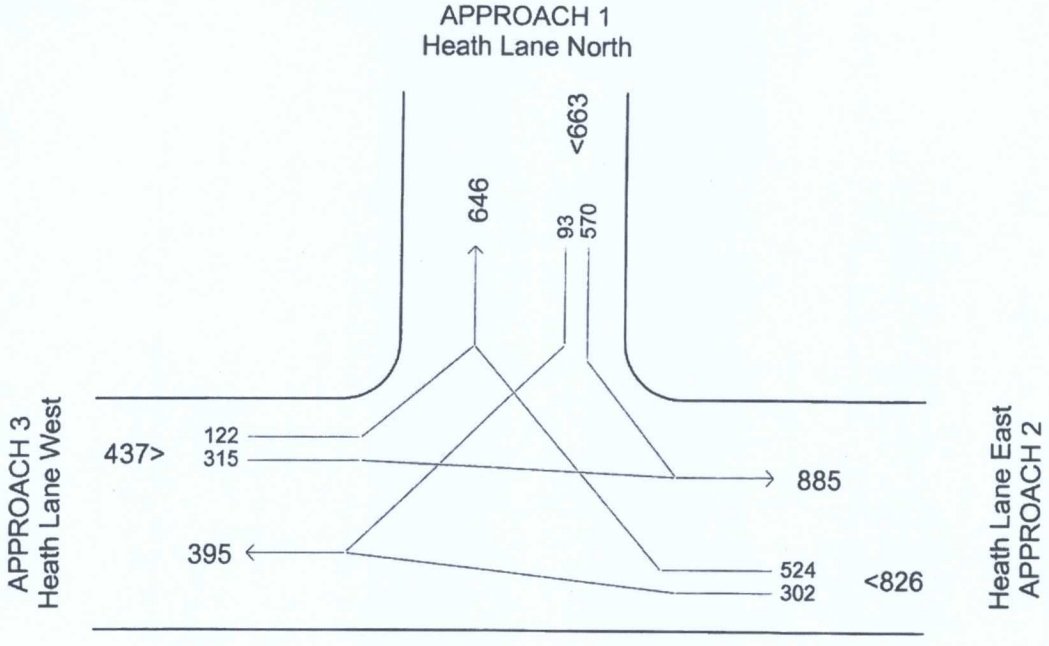
MERCATOR Traffic Mapping

Site: 45060001 Heath Road North/Heath Road, Bagworth *GR:*445625 306315

Count No: 16950 For 0700 to 1900 Tuesday 01 Oct 2002 *PERIOD:* 0700 to 1900

Vehicle Class: Total



Move	PCL	M/C	CAR	BUS	LGV	MGV	HGV	MTR VEH	Total
1to2	7	14	468	1	49	22	9	563	570
1to3	1	0	26	1	4	1	60	92	93
2to1	3	13	441	2	34	24	7	521	524
2to3	2	6	231	4	16	11	32	300	302
3to1	0	3	43	0	9	7	60	122	122
3to2	5	6	245	1	14	13	31	310	315
Total	18	42	1454	9	126	78	199	1908	1926

SITE: 45060001 Heath Road North/Heath Road, Bagworth *Road No:* C5104
Report contains count(s): 16950 *Sitecode: GR:* 445625 306315

Movement: M4 - From:(App3) Heath Lane West /Road C5104
To:(App1) Heath Lane North /Road C5105

For : 0700 to 1900 Tuesday 01 Oct 2002 For Each Vehicle Class

Time_Per.:	*PCL*	*M/C*	*CAR*	*BUS*	*LGV*	*MGV*	*HGV*	*MTRVEH*	*Total*
0700-0800	0	0	4	0	3	0	3	10	10
0800-0900	0	1	2	0	2	1	6	12	12
0900-1000	0	0	0	0	0	0	8	8	8
1000-1100	0	0	3	0	0	0	6	9	9
1100-1200	0	0	4	0	1	0	9	14	14
1200-1300	0	2	2	0	1	0	4	9	9
1300-1400	0	0	5	0	0	1	6	12	12
1400-1500	0	0	5	0	1	2	8	16	16
1500-1600	0	0	3	0	0	2	7	12	12
1600-1700	0	0	1	0	0	1	1	3	3
1700-1800	0	0	9	0	1	0	2	12	12
1800-1900	0	0	5	0	0	0	0	5	5
AM-Peak	0	1	4	0	3	1	9	14	14
Start-time	0700	0800	0700	0700	0700	0800	1100	1100	1100
PM-Peak	0	2	9	0	1	2	8	16	16
Start-time	1200	1200	1700	1200	1200	1400	1400	1400	1400
0700-1900	0	3	43	0	9	7	60	122	122

Movement: M5 - From:(App1) Heath Lane North /Road C5105
To:(App3) Heath Lane West /Road C5104

For : 0700 to 1900 Tuesday 01 Oct 2002 For Each Vehicle Class

Time_Per.:	*PCL*	*M/C*	*CAR*	*BUS*	*LGV*	*MGV*	*HGV*	*MTRVEH*	*Total*
0700-0800	0	0	1	0	0	0	1	2	2
0800-0900	0	0	3	0	0	0	4	7	7
0900-1000	0	0	1	0	0	0	8	9	9
1000-1100	0	0	0	0	1	0	6	7	7
1100-1200	0	0	2	0	0	0	11	13	13
1200-1300	0	0	1	0	0	0	6	7	7
1300-1400	0	0	3	0	0	0	6	9	9
1400-1500	0	0	2	0	1	0	7	10	10
1500-1600	1	0	4	1	0	0	7	12	13
1600-1700	0	0	3	0	0	1	3	7	7
1700-1800	0	0	3	0	1	0	1	5	5
1800-1900	0	0	3	0	1	0	0	4	4
AM-Peak	0	0	3	0	1	0	11	13	13
Start-time	0700	0700	0800	0700	1000	0700	1100	1100	1100
PM-Peak	1	0	4	1	1	1	7	12	13
Start-time	1500	1200	1500	1500	1400	1600	1400	1500	1500
0700-1900	1	0	26	1	4	1	60	92	93

Movement: M6 - From:(App2) Heath Lane East /Road C5104
To:(App3) Heath Lane West /Road C5104

For : 0700 to 1900 Tuesday 01 Oct 2002 For Each Vehicle Class

Time_Per.:	*PCL*	*M/C*	*CAR*	*BUS*	*LGV*	*MGV*	*HGV*	*MTRVEH*	*Total*
0700-0800	0	0	8	1	0	0	3	12	12
0800-0900	0	0	12	1	0	2	7	22	22
0900-1000	0	0	12	0	2	1	2	17	17
1000-1100	0	0	3	0	1	0	3	7	7
1100-1200	0	0	3	0	2	0	0	5	5
1200-1300	0	3	15	0	2	0	1	21	21
1300-1400	0	1	11	0	1	0	3	16	16
1400-1500	0	0	22	2	0	1	5	30	30
1500-1600	0	0	18	0	1	1	3	23	23
1600-1700	1	1	42	0	3	2	3	51	52
1700-1800	0	1	56	0	3	2	1	63	63
1800-1900	1	0	29	0	1	2	1	33	34
AM-Peak	0	0	12	1	2	2	7	22	22
Start-time	0700	0700	0800	0700	0900	0800	0800	0800	0800
PM-Peak	1	3	56	2	3	2	5	63	63
Start-time	1600	1200	1700	1400	1600	1600	1400	1700	1700
0700-1900	2	6	231	4	16	11	32	300	302

SITE: 45060001 Heath Road North/Heath Road, Bagworth *Road No:* C5104
Report contains count(s): 16950 *Sitecode: GR:* 445625 306315

Movement: M1 - From:(App1) Heath Lane North /Road C5105
To:(App2) Heath Lane East /Road C5104

For : 0700 to 1900 Tuesday 01 Oct 2002 For Each Vehicle Class

Time_Per.:	*PCL*	*M/C*	*CAR*	*BUS*	*LGV*	*MGV*	*HGV*	*MTRVEH*	*Total*
0700-0800	2	2	111	0	5	0	0	118	120
0800-0900	1	2	60	0	11	1	0	74	75
0900-1000	0	0	26	0	3	1	0	30	30
1000-1100	0	0	15	0	1	1	0	17	17
1100-1200	0	0	23	0	5	3	1	32	32
1200-1300	1	2	18	0	6	1	2	29	30
1300-1400	0	1	24	0	1	0	1	27	27
1400-1500	2	3	26	0	4	2	1	36	38
1500-1600	0	0	17	0	5	5	1	28	28
1600-1700	0	1	33	0	1	2	2	39	39
1700-1800	0	2	70	1	4	4	1	82	82
1800-1900	1	1	45	0	3	2	0	51	52
AM-Peak	2	2	111	0	11	3	1	118	120
Start-time	0700	0700	0700	0700	0800	1100	1100	0700	0700
PM-Peak	2	3	70	1	6	5	2	82	82
Start-time	1400	1400	1700	1700	1200	1500	1200	1700	1700
0700-1900	7	14	468	1	49	22	9	563	570

Movement: M2 - From:(App3) Heath Lane West /Road C5104
To:(App2) Heath Lane East /Road C5104

For : 0700 to 1900 Tuesday 01 Oct 2002 For Each Vehicle Class

Time_Per.:	*PCL*	*M/C*	*CAR*	*BUS*	*LGV*	*MGV*	*HGV*	*MTRVEH*	*Total*
0700-0800	1	2	62	0	4	0	5	73	74
0800-0900	0	0	62	1	2	0	2	67	67
0900-1000	0	1	18	0	3	1	0	23	23
1000-1100	0	1	8	0	0	1	3	13	13
1100-1200	0	0	4	0	1	0	1	6	6
1200-1300	3	0	12	0	1	0	2	15	18
1300-1400	0	2	18	0	1	3	5	29	29
1400-1500	0	0	10	0	1	3	3	17	17
1500-1600	0	0	12	0	0	2	3	17	17
1600-1700	0	0	4	0	1	1	3	9	9
1700-1800	0	0	14	0	0	1	2	17	17
1800-1900	1	0	21	0	0	1	2	24	25
AM-Peak	1	2	62	1	4	1	5	73	74
Start-time	0700	0700	0700	0800	0700	0900	0700	0700	0700
PM-Peak	3	2	21	0	1	3	5	29	29
Start-time	1200	1300	1800	1200	1200	1300	1300	1300	1300
0700-1900	5	6	245	1	14	13	31	310	315

Movement: M3 - From:(App2) Heath Lane East /Road C5104
To:(App1) Heath Lane North /Road C5105

For : 0700 to 1900 Tuesday 01 Oct 2002 For Each Vehicle Class

Time_Per.:	*PCL*	*M/C*	*CAR*	*BUS*	*LGV*	*MGV*	*HGV*	*MTRVEH*	*Total*
0700-0800	0	1	31	1	3	1	1	38	38
0800-0900	0	1	55	0	5	2	0	63	63
0900-1000	0	0	13	0	2	1	0	16	16
1000-1100	0	0	10	0	3	1	1	15	15
1100-1200	0	1	16	0	4	2	1	24	24
1200-1300	0	2	15	0	3	1	2	23	23
1300-1400	0	0	20	0	0	1	0	21	21
1400-1500	1	0	24	0	2	1	0	27	28
1500-1600	0	0	34	0	3	4	1	42	42
1600-1700	1	5	91	0	5	6	1	108	109
1700-1800	0	2	85	0	2	2	0	91	91
1800-1900	1	1	47	1	2	2	0	53	54
AM-Peak	0	1	55	1	5	2	1	63	63
Start-time	0700	0700	0800	0700	0800	0800	0700	0800	0800
PM-Peak	1	5	91	1	5	6	2	108	109
Start-time	1400	1600	1600	1800	1600	1600	1200	1600	1600
0700-1900	3	13	441	2	34	24	7	521	524

TARA2000 System from Brockwood

Appendix 5

Radar traffic speed survey, Site No. 4507-003, C5105, Heath Road, Bagworth, Leicestershire, Monday 13/07/2009

Leicestershire CC - Hand Radar

Task No 4795

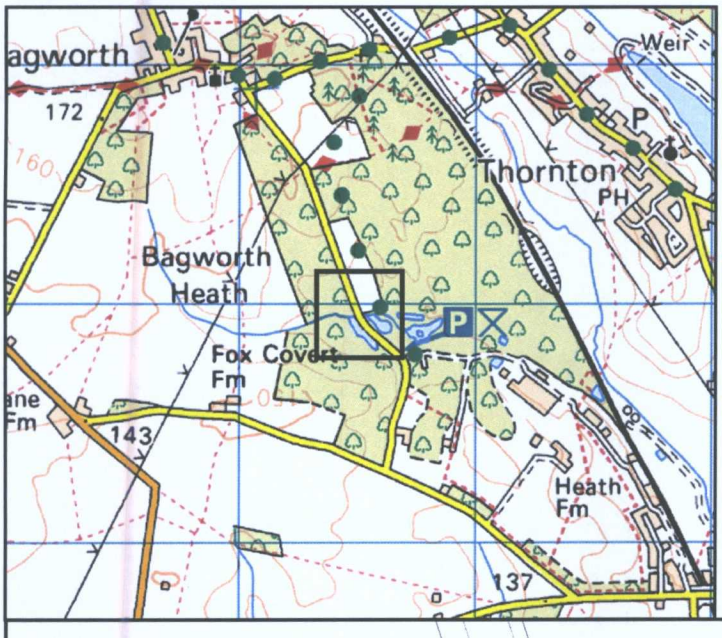
Locality Bagworth

Route C5105

SiteNo **4507-003**

Parish

Atlas Ref 124 D 2 Grid ref 445519 306956



Site Location / Road Name

Heath Road

Site A (Only 1 Site)

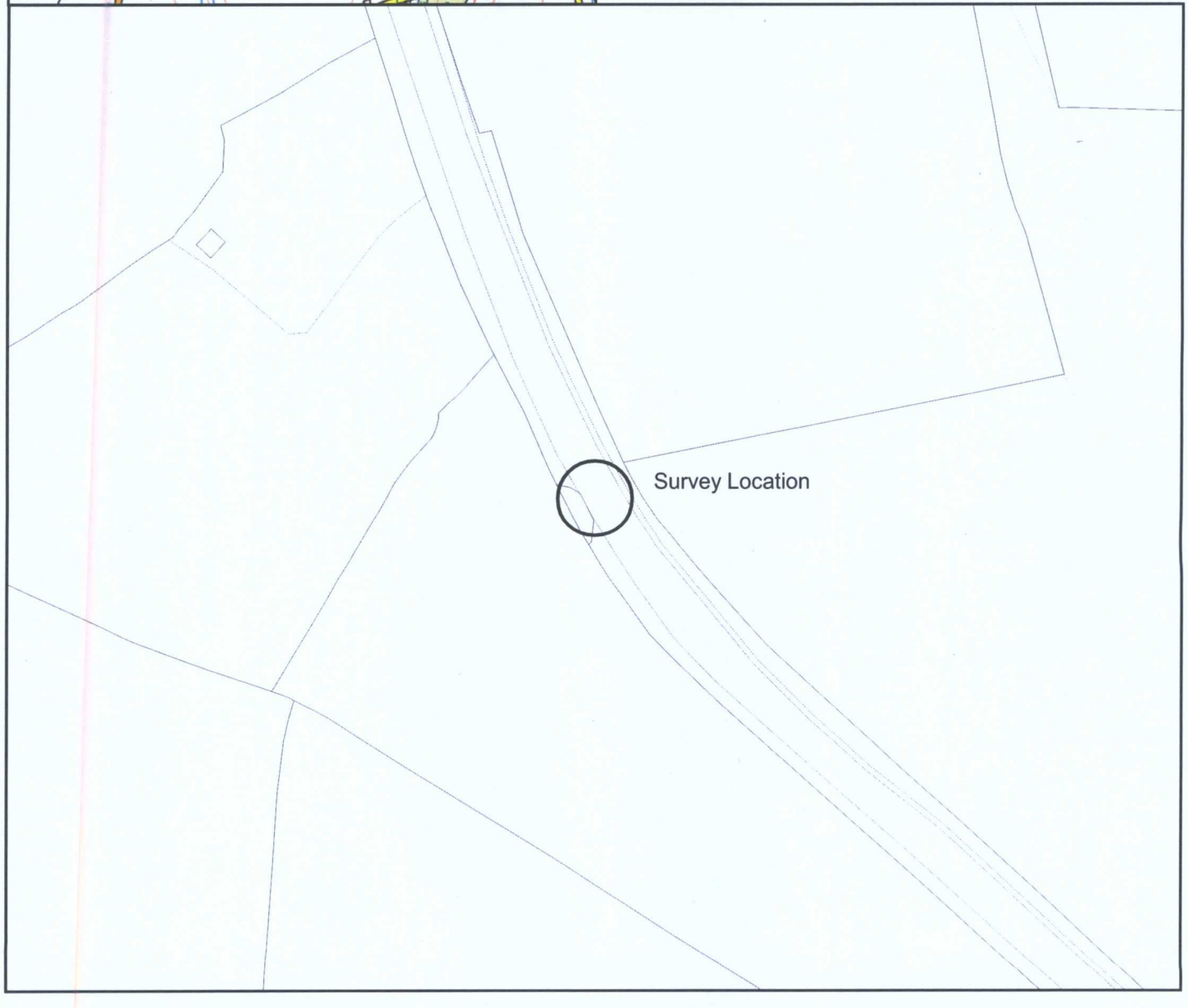
Date 13/07/2009 Monday

Time 07:15 to 09:15

Speeds mph Heading	North	South
Mean	**43.7**	**45.7**
85 percentile	48.4	51.6
95 percentile	51.4	55.4
No of observations	45	129

Comments

100 vehicles each way or two hours



Speed Survey Report

Site No 4507-003 **Task No** 4795

Road Heath Road **Client** Finney,Paul

Locality Bagworth
Parish

Date handed over.....

Route C5105 **Grid ref:** 445519:306956 **Atlas** 124 D 2 *Signature.....*

Day Monday **Date** 13/07/2009 **Time** 07:1 **to** 09:1

Site A **Weather** Sunny
Heading: North

Speed	Count	Speed	Count	Speed	Count	Speed	Count	Speed	Count
11	0	*26*	0	*41*	4	*56*	0	*71*	0
12	0	*27*	0	*42*	4	*57*	1	*72*	0
13	0	*28*	0	*43*	5	*58*	0	*73*	0
14	0	*29*	0	*44*	3	*59*	0	*74*	0
15	0	*30*	0	*45*	4	*60*	0	*75*	0
16	0	*31*	0	*46*	4	*61*	0	*76*	0
17	0	*32*	0	*47*	2	*62*	0	*77*	0
18	0	*33*	1	*48*	4	*63*	0	*78*	0
19	0	*34*	0	*49*	1	*64*	0	*79*	0
20	0	*35*	1	*50*	2	*65*	0	*80*	0
21	0	*36*	1	*51*	0	*66*	0		
22	0	*37*	2	*52*	0	*67*	0		
23	0	*38*	0	*53*	0	*68*	0		
24	0	*39*	2	*54*	1	*69*	0		
25	0	*40*	3	*55*	0	*70*	0		

Number of Vehicles: **45** ***Speeds mph Mean*** **43.7** ***Std Dev:*** **4.7** ***85%ile:*** **48.4** ***95%ile:*** **51.4**

Heading: South

Speed	Count	Speed	Count	Speed	Count	Speed	Count	Speed	Count
11	0	*26*	0	*41*	9	*56*	5	*71*	0
12	0	*27*	0	*42*	13	*57*	2	*72*	0
13	0	*28*	0	*43*	12	*58*	1	*73*	0
14	0	*29*	0	*44*	13	*59*	0	*74*	0
15	0	*30*	0	*45*	7	*60*	1	*75*	0
16	0	*31*	0	*46*	8	*61*	1	*76*	0
17	0	*32*	4	*47*	9	*62*	0	*77*	0
18	0	*33*	1	*48*	6	*63*	1	*78*	0
19	0	*34*	0	*49*	7	*64*	0	*79*	0
20	0	*35*	1	*50*	3	*65*	0	*80*	0
21	0	*36*	0	*51*	5	*66*	0		
22	0	*37*	1	*52*	5	*67*	0		
23	0	*38*	3	*53*	4	*68*	0		
24	0	*39*	4	*54*	0	*69*	0		
25	0	*40*	2	*55*	1	*70*	0		

Number of Vehicles: **129** ***Speeds mph Mean*** **45.7** ***Std Dev:*** **5.9** ***85%ile:*** **51.6** ***95%ile:*** **55.4**

Appendix 6

Accident record, within 576 metres in either direction from the appeal site, C5105, Heath Road, Bagworth, Leicestershire

N

Scale 1:2500

5

3

4

APP/K2420/A/10/2124138/NWF Traffic Accidents, Heath Road, Bagworth

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TRAFFIC ACCIDENTS - SUMMARY REPORT DATE : 16/04/2010

1. 27/09/07 06747 Thu 15:45 Daylight: no street lighting
C5105 60mph Dry 44530 30757
SERIOUS C5105 HEATH RD BAGWORTH APPROX 300M S THORNTON LN
V1 TRAV N CROSSES OVER TO OPP C/WAY ON LH BEND & COLLS FRONT V2 TRAV OPP DIR

Car				Driver		
S	N	Going ahead left hand bend		Male	40	-
Casualty						
Male	40	Driver or rider	Serious			

Car				Driver		
N	S	Going ahead right hand bend		Female	27	-
Casualty						
Female	27	Driver or rider	Slight			

2. 21/08/08 05434 Thu 16:50 Daylight: no street lighting
C5105 60mph Wet / Damp 44573 30674
SERIOUS C5105 HEATH LANE BAGWORTH S ON QUARRY ENTRANCE.
V1 (HGV) TRAV S BRAKES GOING AROUND RIGHT BEND LOSES CONTROL LEAVES C/WAY OS & COLLS WITH TREE.

Goods vehicle 7.5 tonnes mgw and over				Driver		
N	SW	Going ahead right hand bend		Male	59	-
Casualty						
Male	59	Driver or rider	Serious			
Male	21	Passenger	Serious			

3. 21/11/08 07685 Fri 13:46 Daylight: no street lighting
C5105 60mph Dry 44572 30674
SLIGHT C5105 HEATH ROAD BAGWORTH 45OM N OF HEATH ROAD
V1 TRAVS N ON HEATH ROAD AND NEGOTIATES L BEND COLL WITH N/S KERB LOSING CONTROL. V1 LEAVES C/WAY O/S.

Car				Driver		
S	NW	Going ahead left hand bend		Male	25	>
Casualty						
Male	25	Driver or rider	Slight			

4. 16/10/09 06189 Fri 08:35 Daylight: no street lighting
C5105 60mph Wet / Damp 44573 30673
SLIGHT C5105 HEATH ROAD BAGWORTH. APPROX 40 M S PRIVATE DRIVE TO WORKS.
V1 TRAV S/E HEATH RD FAILS TO NEG R HAND BEND TRAV S. V1 SKIDS ON OIL DEPOSIT ON ROAD, LEAVES C/WAY N/S & COLLS TREE.

Car				Driver		
NW	S	Going ahead right hand bend		Female	19	-
Casualty						
Female	19	Driver or rider	Slight			

5. 04/01/10 00027 Mon 07:35 Daylight: no street lighting
C5104 60mph Frost / Ice 44571 30678
SLIGHT C5104 HEATH ROAD BAGWORTH. OPPOSITE PRIVATE ROAD TO BRICK WORKS.
V1 TRAV N LOSES CONTROL ON BLACK ICE NEG L HAND BEND TRAV N/W. V1 CROSSES C/WAY & COLLS V2 TRAV S NEG R HAND BEND.

Car			Driver		
S	NW	Going ahead left hand bend	Male	33	x

Casualty								
Male	33	Driver or rider	Slight					
Car						Driver		
NW	S	Going ahead right hand bend				Male	55	x
Casualty								
Male	55	Driver or rider	Slight					

Driver k = knows area s = stranger
Breath test + = positive - = negative * = refused
x = not requested > = not contacted ^ = Not provided (medical reasons)

DEVELOPMENT SERVICES
29 APR 2010
RECEIVED

Appendix 7

Extract from Leicestershire County Council document 'Highways, transportation and development', paragraphs 3.23 to 3.24 and 3.204 to 3.221

Visibility splays

3.23 Table DG4 sets out visibility splays required for junctions, bends and at vertical crests. For proposed internal development roads, you should normally base visibility splay on an assessment of likely 85th% ile vehicle speeds. For existing roads, you should base it on measured vehicle speeds. We will normally require you to carry out radar surveys to measure existing speeds and establish the 85th% ile.

3.24 While taking into account the design speeds in Tables DG1 and DG2, we will assess visibility requirements based on likely vehicle speeds within a proposed development. Where we are satisfied that speeds are, in practice, likely to be lower than the design speeds, we will normally be prepared to consider correspondingly shorter splays. The reverse is also true - if speeds are likely to be higher, the splays will need to be correspondingly greater in length.

Table DG4: Visibility splays

Assessed likely vehicle 85th %ile vehicle speed (mph)	Measured 85th % ile vehicle speed (mph)	Visibility distance at junctions, bends and vertical crests (m)[a]
15	11 to 15	17 [c]
20	16 to20	25 [c]
Speeds on new residential development roads should normally be controlled to 20mph or less[b]	21 to 25	33 [c]
	26 to 30	43 [c]
	31 to 37	59 [c]
	38 to 44	120 [d]
	45 to 53	160 [d]
	54 to 62	215 [d]
	63 to 75	295 [d]

(a) See Figure DG1 below for guidance on constructing splays.

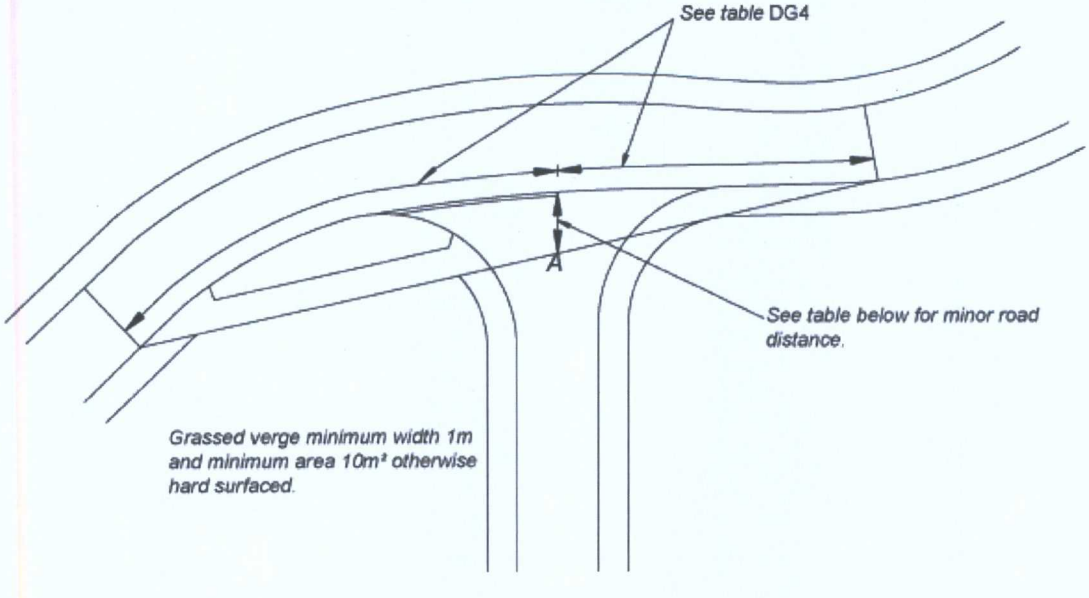
(b) Where speed is assessed to be over 20mph, splay provision will normally be based on the appropriate 'measured 85th %ile vehicle speed' distance.

(c) Based on Manual for Streets, 'adjusted for bonnet length' d

(d) Based on Design Manual for Roads and Bridges.

Figure DG2 Construction of visibility splays

(For all horizontal visibility splays, where a footway, cycleway or similar is provided, the rear of the footway and so on should coincide with (match) the rear edge of the visibility splay.)



		Main road				
		Road (street) as defined at appendix L	**Residential access road**	**Residential access way**	**Major industrial access road**	**Minor industrial access road**
Side road	Residential access road	2.4m	2.4m	2.4m		
	Residential access way	2.4m	2.4m	2.4m		
	Major industrial road	4.5m			4.5m	4.5m
	Minor industrial road	4.5m – 2.4m			4.5m - 2.4m*	4.5m - 2.4m*

* Set back will depend on scale and nature of proposed development

Figure DG2a Junctions

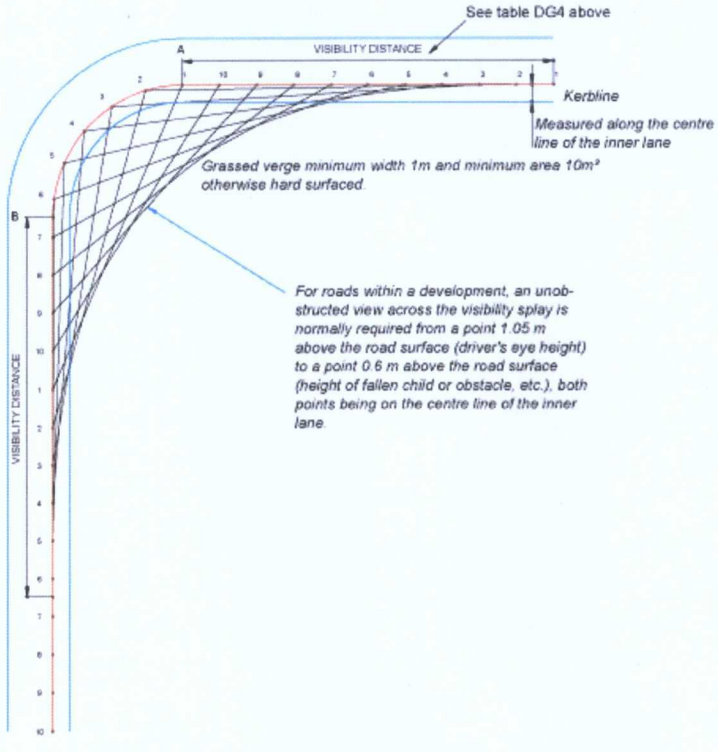


Figure DG2b Bends

Note: For all road types within a development, visibility (at junctions, bends or crests) in the vertical plane should normally be measured from a drivers eye-height of no less than 1.05m above the road surface to a point no less than 0.6m above the road surface. This is as set out in Manual for Streets. On roads outside of the development, for example at the site access, the visibility should normally be measured from an eye-height of not less than 1.05m to a point not less than 0.26m, in line with the Design Manual for Roads and Bridges. However, if they fall within the definition of a road (street) as defined at appendix L, visibility can normally be measured as if the road lies **within** a development

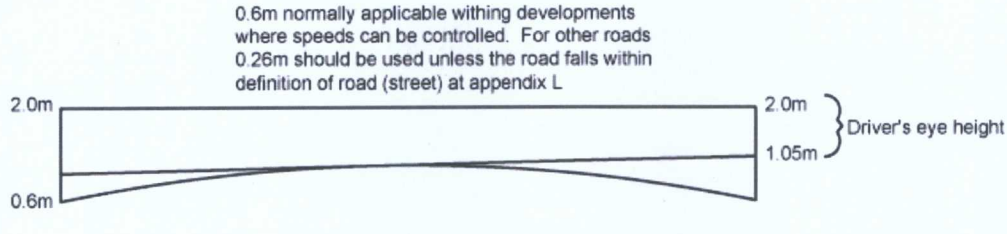


Figure DG2c Crests in road (brow of hill)
Figure DG2 Construction of visibility splays

Figure DG19 Sheffield stand - inset 'toast rack' type. Sheffield stands can accommodate two cycles provided that stands are placed 1m apart and at least 500mm from any wall.

3.200 Parking provision should be considered in relation to any travel plan associated with a development proposal. Please refer to Section DG17.

3.201 Please refer to Traffic Advisory Leaflet 5/02 for further information on cycle parking.

Section DG17: Considering parking provision together with transport assessments and travel plans

3.202 You should not consider vehicle, motor cycle or cycle parking provision in isolation from travel plans. The level and design of on-site parking and any proposed travel plan measures should reflect and complement each other. The County Council is currently developing its own guidance on preparing travel plans. In the meantime, you can find some interim guidance in the Transport Assessment Guidelines in Part 7, appendix C.

3.203 For employment developments and other developments where travel plans are required, we will normally expect the development to include complementary facilities for motorcyclist and cyclists, for example, secure lockers (for storing clothes, and so on), showers and changing rooms.

Section DG18: Residential developments served by private drives and areas

3.204 This section provides design guidance on private drives and areas. For guidance on the Advance Payments Code (APC), please see Part 5, Section ANR2.

Principles

3.205 For developments of more than five dwellings, we will encourage developers to create, whenever possible, 'road' layouts that are to an adoptable standard and that will be offered for adoption. We will not normally adopt developments of five or less dwellings.

3.206 For developments of six or more dwellings, you should remember the implications both for yourself and house purchasers if we do not adopt the roads, for example:

- future maintenance liabilities;
- public liabilities
- street cleansing;
- lack of specific pedestrian facilities;
- lack of or poor standard of lighting, drainage and so on;
- we have no powers under the Highways Act; and
- the police have no powers to remove obstructions.

Poorly-maintained private areas can also detract from the quality and appearance of a development.

3.207 Private developments should normally be in the form of a cul-de-sac. You should try to avoid private 'through' routes as they are more likely to be used by the general public, possibly adding to the liabilities and future problems for residents.

3.208 For private developments of six dwellings or more, we will normally serve a notice on you with an assessment of the cost of the proposed roadworks under the Advance Payments Code (APC), to protect frontagers' interests. The cost of this will reflect the cost of the proposed street works and you should construct the works to an appropriate standard. However, because APCs have been served and money has been paid or retained, we are not indicating any future intention to adopt and maintain the street works at public expense. Please see Part 5, Section ANR2 for more information.

3.209 If you clearly indicate that the development roads are to be private, we may also require:

- you to deposit a map with us under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private (and any to be adopted too as appropriate);
- you to erect road signs indicating that the roads are unadopted and to maintain the signs for as long as the roads remain unadopted, all at your expense;
- evidence that you have made clear to potential purchasers of the dwellings on unadopted roads what the status of the road will mean to them in practice;
- evidence that you have secured future maintenance of the roads, for example, a unilateral undertaking by you under Section 106 of the Town and Country Planning Act to set up a maintenance company;
- you to indemnify us against future petitioning by residents to adopt their road under Section 37 of the Highways Act 1980, where the road joins together two adopted highways*; and
- the boundary between the private road and the publicly-maintained highway to be clearly marked by a concrete edging, boundary posts or similar.

*Note: The indemnity should normally be a legal covenant placed on the properties to prevent petitioning. We must approve the wording of the covenant.

General geometry for site access to the external road network

3.210 **Note:** In all cases, the proposed development and its location must be acceptable to us in principle and highway safety must not be reduced.

On roads with a speed limit of 40mph speed limit or higher, or where vehicle speeds are more than 40 mph:

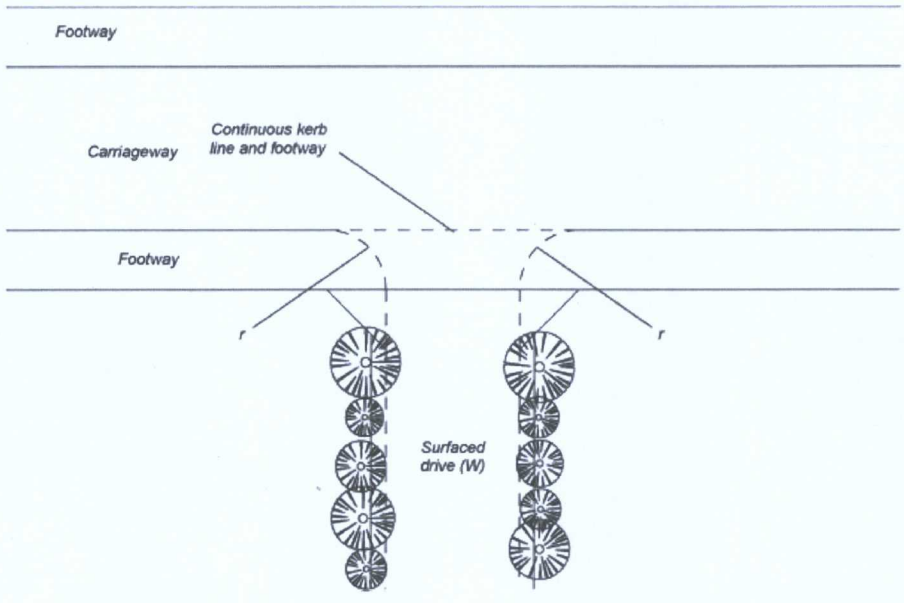
we will encourage a development to be served by a road with an adoptable layout and access designed in line with the appropriate section of the Design Manual for Roads and Bridges see glossary; or

where we accept that there is good reason why an adoptable layout cannot be achieved, the private drive and site access must be purpose-designed to a standard acceptable to us.

For all roads where the speed limit or recorded vehicle speeds is less than 40mph, even where you can demonstrate that you cannot achieve any form of adoptable

layout or you do not want your development roads to be adopted (despite the implications in paragraph 3.206 above), you must still design the site access point to make sure that it does not affect the safety and efficient functioning of the highway or otherwise affect road users. (It will normally need to be designed in accordance with the Design Manual for Roads and Bridges or other standard acceptable to us.) Please see appendix E for more information.

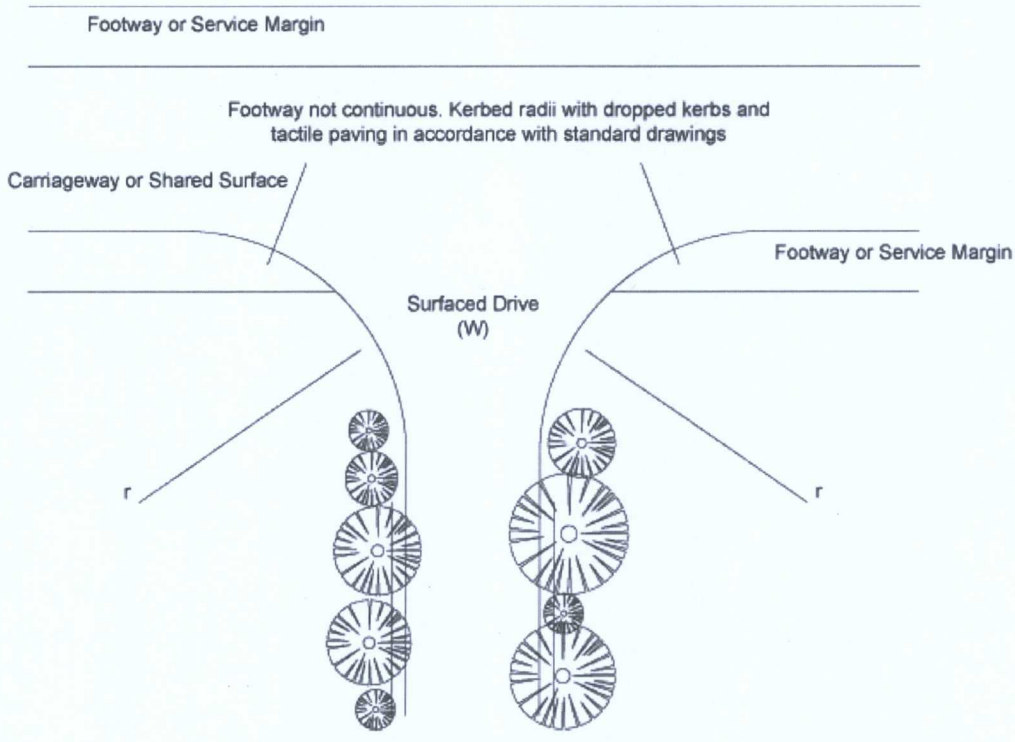
3.211 You should provide the site access point in line with either Figure DG20 or Figure DG21, depending on the scale of the development. The access will only be acceptable if you have a maintenance agreement planned or in place.



Minimum effective width (w)	Single dwelling = 2.75m Two to five dwellings = 4.25m for a minimum distance of 5m behind the highway boundary. Six to 25 dwellings = 4.8m for a minimum distance of 5m behind the highway boundary[(a)]. (In all cases add 0.5m if bounded by a wall, fence, hedge, line of trees or other similar obstruction on one side, 1m if bounded on both sides. See also paragraph 3.215 about access for refuse collection and 3.216 about access for emergency vehicles.)
Minimum control radii (r)	Single dwelling = 2m Two to five dwellings = 4m and six to 25 dwellings = 6m on a classified road ('A', 'B' or other classification), otherwise 2m
Vehicle visibility splays	As in Table DG4, measured from a set back of 2.4m or 2m where the speed limit (or measured vehicle speeds) is 30mph or less.
Pedestrian visibility splays	2m by 2m both sides (no planting permitted)
Gradient	Preferably not greater than 1:20 for first 5m, and should never exceed 1:12m
Surfacing	Bound material, for example, bituminous or concrete, or block paving for at least the first 5m

[(a)] If the driveway length is more than 25m, its minimum width should be 5m (plus any widening where bounded by walls) to enable access by refuse vehicles

Figure DG20 Unadopted shared drive serving up to 25 dwellings



	Access serving more than 25 dwellings
Minimum effective width (w)	5.5m
	Add 0.5m if bounded by a wall on one side, 1m if bounded on both sides. See also paragraph 3.215 about access for refuse collection and 3.216 about access for emergency vehicles
Minimum kerbed radii (r)	6m
Vehicle visibility splays	As in Table DG4, measured from a set back of 2.4m
Pedestrian visibility splays	2m by 2m both sides
Gradient	Preferably not greater than 1:20 for the first 5m, and should never exceed 1:12
Surfacing	Bound material, for example, bituminous or concrete, or block paving for at least the first 5m

Figure DG21 Unadopted shared drive serving more than 25 dwellings

3.212 On busy roads (generally with peak-hour traffic flows of more than 300 vehicles an hour), any gates should be set back at least 5m from the highway boundary and should open inwards only.

3.213 If you cannot achieve layouts to Figure DG20 and Figure DG21, we may recommend refusal of your proposals on grounds of safety or dangers to the public, as appropriate.

General layout of a private residential development

3.214 Even if a road is not to be adopted, you should still seek to make sure that:

- your layouts are safe (both in terms of road safety and personal safety);
- your layouts are accessible to all likely users, including those with mobility impairments; and
- suitable long-term maintenance arrangements are in place.

Turning facilities will be required:

where a proposed development takes access from a road with a speed limit above 40 mph; or

for roads subject to speed limits less than 40 mph on any road carrying 300 vehicles per hour at its peak

Elsewhere, turning facilities will not normally be required unless road safety would be compromised.

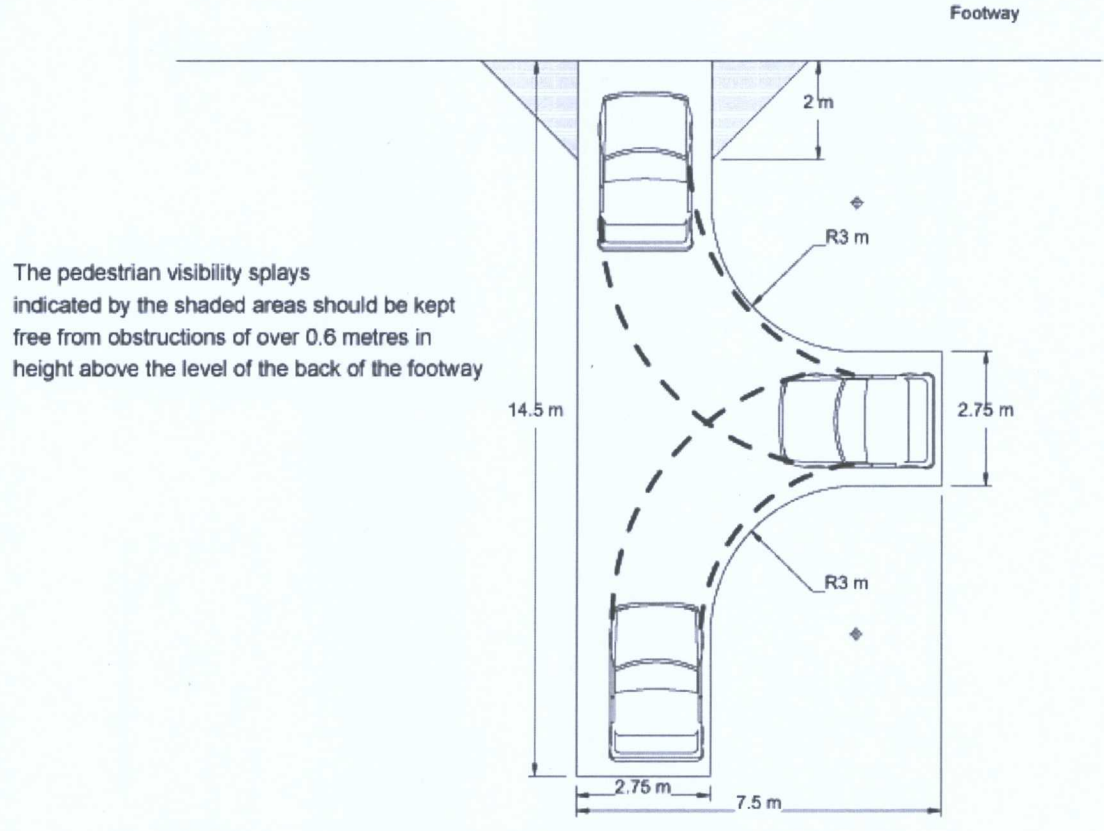


Figure DG22 Private drive turning facilities – typical example

3.215 For long drives and accesses, you should consult BS5906, 2005, which sets out maximum carry distances of 25m for refuse collection. Where this distance is exceeded, the British Standard recommends:

- a minimum drive width of 5m;
- providing turning heads within the site; and
- constructing the drive so it can carry a refuse vehicle.

The layout of the development should include measures to make sure that parked vehicles do not stop the use of any turning heads. Where 'wheelie bin' collection methods are used, you should consider providing a communal collection point within the site, close to the highway.

3.216 Where a development is situated more than 45m from the highway, you must cater for emergency vehicles by constructing the drive and any turning areas so they can cater for a commercial or service vehicle. The minimum width for access should be at least 3.7m (between kerbs) and fire vehicles should not have to reverse more

than 20m. Your development must be in line with British Standard BS5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006. You should also take into account the comments about parking in paragraph 3.215.

3.217 You should also follow the general guidance contained in this part of the document on personal safety and designing-out crime, and you should ask the relevant police force 'Architectural Liaison Officer' , the planning authority and us for guidance on proposals for specific sites. You should also make sure that you take into account the needs of people with impaired mobility.

Construction standards for private drives

3.218 The construction standards for drives serving up to and including 5 dwellings should normally be in accordance with that for footway vehicular and field accesses as shown in standard drawing SD/11/5A. In other cases, they should normally be in line with Table DG15. (Contact us for permeable pavement design.)

Table DG15: Private road construction depths

		Road less than 25m long serving 6 to 25 dwellings	Road more than 25m long serving 6 to 25 dwellings	Road serving more than 25 dwellings
Bituminous	Surface course CGM	30mm	30mm	40mm
	Binder course DBM	85mm	60mm	60mm
	Base DBM	-	110	150
	Sub-base & Capping	270mm Type 1 GSB[(a)]	See Table MC4	
Block Paving	Blockwork	60mm	80mm	80mm
	Bedding sand (compacted)	30mm	30mm	30mm
	Base DBM	90mm	110	150mm
	Sub-base & Capping	270mm Type 1 GSB[(a)]	See Table MC4	

Key
CGM = Close graded macadam
DBM = Dense bitumen macadam
[(a)]The sub-base is to be increased to 365mm for CBR's of 2% or less

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Garages and gated accesses

3.219 On plot garages to individual properties should be located so:

- cars can park in front of the garage doors: and
- the garage doors can be opened while the car is on the drive (see Table DG16);

without the cars obstructing the highway, including any footway or turning facilities.

3.220 In the interests of urban design, garages should not dominate the street scene. Where an integral garage is proposed (that is, it is part of the house), you should hold early discussions with the planning authority on the design of the garage, the house and elevation of the property. The Manual for Streets suggests that keeping garages and parking areas level with the main building line can be beneficial to the townscape, but, a planning authority may require garages to be located behind houses and may not encourage integral garages.

Table DG16: Garage set-back distances

Garage door type	Minimum distance from highway boundary
Roller-shutter, sliding or inward opening	5m
'Up-and-over'	5.6m
Hinged, outward opening	6m

Where an access is to be gated, the gates should be set back 5m where they open inward and 6m where they open outwards. This is to ensure that the public highway (particularly areas used by pedestrians) is not obstructed if a vehicle is parked on the access in front of the gates.

3.221 Garages should preferably have the following minimum internal dimensions.

- Standard single = 6m x 3m, with minimum door width of 2.3m
- Use by disabled = 6m x 3.3m with minimum door width of 2.8m
- Double = 6m x 6m, with minimum door width of 4.2m.

If a dwelling has no separate parking for cycles, it may affect whether we consider that the garage should be counted towards parking provision.