

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: 23/00900/FUL

Highway Reference Number: 2023/0900/04/H

Application Address: Land West Of Mythe Farm Pinwall Lane Pinwall Atherstone Leicestershire CV9 3PF

Application Type: Full

Description of Application: Creation of vehicular access (resubmission of 20/00434/FUL)

GENERAL DETAILS

Planning Case Officer: David Spring

Applicant: Mr & Mrs Joseph Garland

County Councillor: Bertie Harrison-Rushton

Parish: Sheepy

Road Classification: Class B

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) have been consulted on full application 23/00900/FUL which is for the creation of a vehicular access (resubmission of 20/00434/FUL). The proposals are on land West of Mythe Farm, Pinwall Lane, Pinwall, Leicestershire, CV9 3PF.

There has been one previous application at the site as detailed below:

- 20/00434/FUL - Creation of vehicular access. The LHA advised approval with conditions on 7 July 2020, the Local Planning Authority (LPA) subsequently approved the proposals on 7 August 2020.

It appears this application has been submitted as the previous scheme granted under 20/00434/FUL has now lapsed.

Principle of Development

It is proposed to create the vehicular access onto Atherstone Road, which is a classified B road subject to a 40mph speed limit.

Given the road classification of Atherstone Road, the LHA has considered the proposed development against Policy IN5 of Part 1 of the Leicestershire Highway Design Guide (LHDG) which is available at:

https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2022/5/23/Part-1-introduction-interim_0.pdf

Policy IN5, 'Our access to the road network policy', is provided in the interests of highway safety and to maintain the free flow of traffic. The most relevant parts of the Policy are reproduced below:

'Access to A- and B-class roads

1.26 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;*
- 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'.*

It can be seen from the above, the second bullets under paragraph 1.26 of Part 1 of the LHDG are particularly relevant given that Atherstone Road (B4116) is essentially rural in character at this location. Furthermore, the LHA has concerns that 85th percentile vehicle speeds may exceed the 40mph speed limit in this location given the rural nature of the road.

The LHA would normally restrict new accesses that would be contrary to Policy IN5. However, the LHA notes from the submissions the Applicant's assertion that the proposed vehicular access would have better visibility than an existing access. If this can be satisfactorily demonstrated to be the case (see 'site access' section below), then the LHA may be willing to support a new access in this instance providing that the existing access is closed permanently.

Site Access

The Applicant states that there was historically an access at this location, however after investigation by the LHA using aerial photographs the access would appear to have been further to the north of the proposed location. This however would be a matter for the Local Planning Authority (LPA).

The Applicant also stated the access would provide better vehicular visibility than the access currently utilised to the south of the field. However, the Applicant has not provided any evidence of this as part of this application.

Therefore, the LHA requests that a scaled plan is submitted which demonstrates the vehicular visibility splays for the existing and proposed access. These should be in accordance with Figure DG2a of Part 3 of the LHDG, with a setback of 2.4 metres from the edge of the carriageway. The splays should not cross any third-party land, and the tips of the splays should be off-set from the edge of the carriageway by 1 metre.

Splay lengths should be in accordance with Table DG4 of Part 3 of the LHDG, which are based on 85th percentile vehicle speeds. Given the rural nature of Atherstone Road, and potential for speeds to exceed the 40mph speed limit, the LHA advises the Applicant to commission a speed survey at the proposed site access to demonstrate that the achievable splay lengths would be sufficient for the measured 85th percentile vehicle speeds. This would need to be carried out using an Automatic Traffic Counter – not Manual Speed Survey – to avoid influencing driver behaviour. A permit is required to carry out any traffic count/speed survey on the public highway within Leicestershire, which can be obtained by contacting ndi@leics.gov.uk . Alternatively, Leicestershire County Council offer a data collection service including a large traffic count database. Details of the services available can be obtained by contacting ndi@leics.gov.uk .

The LHA have reviewed 'Agricultural Access Design General Arrangement', drawing number SA45988 BRY 0001 Rev C and find it to accord with 'Standard Drawing - Agricultural Field Access Details', drawing number SD/11/9 in terms of effective access width, gate set back distance and hard surfacing behind the public highway.

If the LPA are minded to approve the proposals, the LHA would require the Applicant to re-instate the existing access onto Atherstone Road. In order for this to be facilitated, the Applicant would be required to provide a revised scaled 'Site Location Plan' including the existing access. This would enable the LPA to impose a condition requiring the re-instatement of the existing access.

The proposals show that the Applicant intends to remove a section of grassed highway verge. Whilst this may be acceptable there may be statutory undertaker apparatus located within the verge/footway fronting the site; the Applicant will need to undertake surveys and potentially works to relocate these services. Any additional cost that arises as a result of this would be entirely at the Applicant's expense.

The Applicant is advised that, notwithstanding planning consent, a separate application will be required to be made to the LHA for the installation of dropped kerbs. Further information can be found at:

<https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>

Highway Safety

There have been two Personal Injury Collisions (PIC's) recorded within 500m of the site access in either direction along Atherstone Road within the last five years. Both of these PIC's occurred to the north of the proposed access and were single vehicle collisions. One was classed as 'slight' in severity and one as 'serious'. The LHA has considered the circumstances of the above PICs and is satisfied that the development proposals would not exacerbate the likelihood of further such incidents occurring.

The acceptability of the proposals would, however, be contingent on the delivery of a safe and suitable access as required by the National Planning Policy Framework (2023) to ensure that new highway safety issues would not be introduced to the vicinity.

Date Received
28 September 2023

Case Officer
Neal Chantrill

Reviewer
DP

Date Issued
18 October 2023