

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: 23/01048/FUL

Highway Reference Number: 2023/1048/04/H/R1

Application Address: Land Off Hall Lane Hall Lane Odstone Leicestershire

Application Type: Full

Description of Application:

Re-consultation. Change of use of a building from agricultural to residential and associated works

GENERAL DETAILS

Planning Case Officer: Matt Jedruch

Applicant: B&C Lampard Partnership

County Councillor: Bertie Harrison-Rushton

Parish: Shackerstone

Road Classification: Unadopted / Private

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) is in receipt of a consultation for a full application for a change of use of a building from agricultural to residential and associated works.

The LHA responded to a previous consultation on this application on 22 November 2023 advising approval subject to conditions.

Site Access

The applicant is proposing to access the property off an unnamed minor gated public road, which is maintainable "ratione tenurae" (at private expense by the occupier of the land adjoining the road), although the LHA is responsible for protecting the public's right of way along the whole route. The gated road is a public highway open to all traffic and subject to national speed limit. From the centre of Odstone, the gated road runs directly off Hall Lane, which is an unclassified road

maintainable at public expense by the LHA and subject to a 30 mph speed limit by virtue of street lighting.

Based on Part 3, Figure DG20 of the Leicestershire Highway Design Guide, ([LHDG] available at <https://resources.leicestershire.gov.uk/lhdg>) for an access serving between 1 dwelling, a minimum effective width of 2.75 metres should be provided, with an additional 0.5 metre strip on each side bound by a wall/ hedge/ fence etc. The existing access width measures approximately 4.5 metres, therefore the LHA deem this in accordance with our guidance.

Highway Safety

Based on records available to the LHA, there have been no Personal Injury Collisions recorded along Hall Lane within the last five years. The LHA therefore advise there are no pre-existing highway safety concerns in the vicinity of the site which could be exacerbated by the proposed development.

Trip Generation

The LHA accept the findings of the applicant that whilst the proposed development will create a number of vehicle movements from the change of use application - these can be offset against those from its existing lawful use as an agricultural building.

Internal Layout

The internal layout of the proposals are detailed on Andrew Large Surveyors Ltd Proposed Site Layout. The submitted application form indicates that the proposed development would consist of one x 3 bed dwelling. On this basis, the development would require two car parking spaces. The aforementioned Proposed Site Layout plan shows two car parking spaces provided. On this basis, the LHA consider it is unlikely the proposals would lead to an increase in on-street parking in the area.

Conditions

1. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Andrew Large Surveyors Ltd Proposed Site Layout. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

Informatives

- a) Prior to construction, measures should be taken to ensure that users of the public access route are not exposed to any elements of danger associated with construction works.
- b) The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may be an offence under the Highways Act 1980.
- c) The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

- d) If the developer requires a Right of Way to be temporarily diverted,, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- e) 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.
- f) No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of 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.

Date Received
7 March 2024

Case Officer
Oliver Rivera

Reviewer
BD

Date issued
26 March 2024