

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: 24/00887/P3CQ

Highway Reference Number: 2024/0887/04/H

Application Address: 39 Main Road Ratcliffe Culey Atherstone Leicestershire CV9 3NY

Application Type: Full

Description of Application: Notification to determine if Prior Approval is required for the change of use and conversion of four agricultural buildings to form six dwellinghouses (Class C3)

GENERAL DETAILS

Planning Case Officer: Matt Jedruch

Applicant: Donna Vann

County Councillor: Bertie Harrison-Rushton

Parish: Witherley

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) has been consulted on a planning application at 39 Main Road, Ratcliffe Culey, Atherstone, CV9 3NY to determine if Prior Approval is required for the change of use and conversion of four agricultural buildings to form six dwellinghouses (Class C3).

The LHA acknowledges the relevant planning history at the site which is noted below:

- 23/01080/P3CQ - Change of use of agricultural building to a single dwelling – Refused on non-highway grounds, January 2024.

Site Access

The site is currently served by an existing access on Main Road, a class C road subject to a 30mph speed limit. The LHA note that the applicant intends to utilise the existing access to serve six residential dwellings.

Figure DG17 of Part 3 of the Leicestershire Highway Design Guide ([LHDG] available at <https://resources.leicestershire.gov.uk/lhdg>) states that for an access serving 6-25 dwellings - the access should be 4.8m wide for a minimum distance of 5m behind the highway boundary. The width of the existing access shown on the drawing titled 'Proposed Site Plan' drawing no. 233-52 Revision A, is therefore sufficient.

The LHA are aware of a wall to the west of the site access which restricts vehicular visibility at the junction of the site access with Main Road. Details of the available visibility splays at the access have not been provided, or a speed survey demonstrating the available visibility would be in line with 85th percentile speed of passing traffic at the site access. The LHA advise that it considers it would be difficult to demonstrate the proposals would represent a severe highway safety issue, given that the proposals would remove some demand for large, slow moving farm vehicles to access the site. In addition, based on records available to the LHA, there have been no recorded Personal Injury Collisions at the site access within the last five years. Nevertheless, it is noted that the wall falls within the Applicants blue line boundary and as part of application reference 23/00791/OUT for a replacement farmhouse, the LHA suggested when access is applied for, the Applicant removes the wall as part of those proposals. Furthermore, application 20/01292/P3CQ also included proposals to remove the wall. The LHA would therefore strongly encourage the Applicant to remove the wall as part of these proposals in order to improve visibility at the access.

Internal Layout

The internal layout of the site proposals has been detailed on the drawing titled 'Proposed Site Plan' drawing no. 233-52 Revision A. The Highway Requirements for Development Part Four document available within the LHDG states that for a dwelling with 3 or less bedrooms a minimum of 2 parking spaces should be provided. For a dwelling with 4 or more bedrooms, a minimum of 3 spaces should be provided. The LHA is satisfied that the number of spaces per dwelling indicated by the Applicant is in line with the information above.

Public Right of Way

The LHA note that Public Footpath T12 runs through the proposed development. The applicant should note that a scheme for the treatment of the Public Right of Way should be submitted to and approved in writing by the Local Planning Authority. Such a scheme should include provision for the management of Public Footpath T12 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, please see <https://tinyurl.com/devprowguide>. Thereafter the development should be carried out in accordance with the agreed scheme and timetable.

If north of the proposed properties, the grassland is to be enclosed by fencing, at the crossing point of the public right of way, the LHA would request the developer provides a new metal kissing gate similar to the gate at the northern edge of the site.

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 the drawing titled 'Proposed Site Plan' drawing no. 233-52 Revision A. 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 (December 2023).

2. 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 management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

REASON: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (December 2023).

Date Received
4 October 2024

Case Officer
Harry McNicholas

Reviewer
BD

Date issued
11 November 2024