

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: 23/00923/FUL

Highway Reference Number: 2023/0923/04/H/R1

Application Address: The White House Bosworth Road Wellsborough Nuneaton Leicestershire
CV13 6PB

Application Type: Full

Description of Application:

Re-consultation. Construction of single storey self-build dwelling

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mr & Mrs Warner

County Councillor: Bertie Harrison-Rushton

Parish: Sheepy

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 111 of the National Planning Policy Framework (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 re-consulted on full application 23/00923/FUL, for the construction of single storey self-build dwelling. The proposals are at The White House, Bosworth Road, Wellsborough, Nuneaton, Leicestershire, CV13 6PB. The LHA previously responded to the Local Planning Authority (LPA) on 25 October 2023 requesting further information. This included but may not be limited to:

- Confirmation as to whether access is to be both agricultural/residential or residential access only;
- If residential only, how would the field be accessed;
- Scaled, detailed access drawing;

- Scaled drawing demonstrating vehicular visibility splays in accordance with posted 85th percentile speed of the road; and
- If vehicular visibility splays for the posted 85th percentile speed of the road can not be achieved, speed survey should be undertaken with appropriate vehicular visibility splays for the measured 85th percentile speed of the road.

Site Access

In response to the LHA's observations provided to the LPA on 25 October 2023, the Applicant has provided 'Site Access Visibility Splay Review', drawing number DWG-04. After reviewing 'Site Access Visibility Splay Review', drawing number DWG-04, the LHA are satisfied the access accords with Figure DG20 of Part 3 of the Leicestershire Highway Design Guide (LHDG) in terms of effective access width for a minimum distance of 11m behind the highway boundary and radii.

'Site Access Visibility Splay Review', drawing number DWG-04 also demonstrates vehicular visibility splays in accordance with Table DG4 of Part 3 of the LHDG and are therefore acceptable.

Given the access is for both agricultural/residential use, hardstanding should be provided for a minimum distance of 11m behind the highway boundary. This can be dealt with via condition.

Whilst no gates are demonstrated on 'Site Access Visibility Splay Review', drawing number DWG-04, any gate erected should be set back a minimum of 11m from the highway boundary. This can be dealt with via condition.

Conditions

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements and vehicular visibility splays as shown on Site Access Visibility Splay Review, drawing number DWG-04 have been implemented in full. Once provided they shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, and to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed OS and Block Plan drawing number P001 Rev C. 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).

3. The development hereby permitted shall not be occupied until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 11 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

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

4. No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 11 metres of the highway boundary

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

5. Prior to construction, any changes to the existing boundary treatment currently separating the application site from the Public Right of Way, must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework 2023

6. The new vehicular access hereby permitted shall not be used for a period of more than 3 month from being first brought into use unless any existing vehicular access on Bosworth Road become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2023).

Informative

- a) Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
- b) The Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- c) The Public Right 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, for a period of up to six months, 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 constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

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

Date Received
3 November 2023

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
15 November 2023