

**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: 22/01037/OUT & 23/00673/OUT

Highway Reference Number: 2023/0673/04/H/R1

Application Address: Land Opposite And South Of Pumping Station Aston Flamville Road Burbage
Leicestershire

Application Type: Outline (with access)

Description of Application:

Re-consultation. Residential development of up to 343 dwellings (Class C3), including provision of public open space, associated infrastructure and all matters (access only) (re-submission of 22/01037/OUT)

reserved except access.

GENERAL DETAILS

Planning Case Officer: Matt Jedruch

Applicant: Jelson Homes

County Councillor: Cllr Amanda Wright

Parish: Burbage

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 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 following comments provided by the Local Highway Authority (LHA) are made in relation to both planning application 22/01037/OUT and the duplicate application 23/00673/OUT. The development proposals comprise of a residential development of up to 343 dwellings to be located on land opposite And South of Pumping Station, Aston Flamville Road, Burbage.

The LHA previously advised refusal to application 22/01037/OUT on two separate occasions; 2nd February 2023 being the latest, on two highway reasons for refusal:

1. The Applicant has failed to demonstrate that safe and suitable access for all users would be provided to the proposed development and the proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for road users, contrary to paragraphs 110 and 111 of the National Planning Policy Framework (2021).

2. The Applicant has failed to fully demonstrate the impact of the proposed development on the local highway network, contrary to paragraphs 110 and 111 of the National Planning Policy Framework (2021).

The LHA would refer the reader to the LHA's comments dated 2nd February 2023 for detailed observations as to why the application was refused.

The Application was subsequently refused by the Local Planning Authority (LPA) in this instance Hinckley and Bosworth Borough Council (HBBC) on 30th March 2023, which included the LHA's two highway reasons for refusal. The Applicant then submitted an appeal against the LPA's decision.

Since the refusal, the LHA have been working collaboratively with the Applicant to narrow down the matters of disagreement for the purpose of the appeal. The LHA previously provided pre application advice in relation to an alternative site access in June 2023.

Subsequently a Public Inquiry commenced on 23rd January 2024 and is on-going and in advance of the Inquiry the LHA, Appellant and National Highways jointly signed a Transport Statement of Common Ground on the 12th of January 2024.

These highway comments are in response to the following documents.

- Transport Assessment (TA) prepared by Tetra Tech on behalf of Jelson dated July 2023;
- Proposed Access Strategy (Drawing No. A109159-TTE-00-ZZ-DR-H-0004-P07);
- Swept Path Analysis - Articulated Vehicle (Drawing No. A109159-TTE-00-ZZ-DR-H-0027-P04);
- Swept Path Analysis - Refuse Vehicle (Drawing No. A109159-TTE-00-ZZ-DR-H-0026-P03);
- Revised Development Framework Plan (Drawing No. 7162-L-03 Rev G);
- Revised Illustrative Masterplan (Drawing No. 7162-L-03 Rev F);
- Highways Proof of Evidence, prepared by Tetra Tech (22nd December 2023); and
- Transport Statement of Common Ground, between Tetra Tech, Leicestershire County Council and National Highways (12 January 2024)

Site Access

The LHA previously advised refusal as one of the proposed accesses was located on Sapcote Road which is a B classified road and subject to a 60 mph speed limit. The access was considered contrary to Policy IN5 and presented significant highway safety concerns.

As part of this application, the Applicant has revised the access which comprises of a four arm roundabout located off Aston Flamville Road to serve both parcels of land. The LHA is aware that the Applicant has presented the revised access arrangements to be considered as part of the planning appeal. The LHA are supportive of this approach, on the basis the revised access design removes the proposed priority junction onto the B4669 Sapcote Road. The revised access proposals consolidate access into a single roundabout junction on Aston Flamville Road and which satisfies the pre-application advice provided to the Applicant as referenced above.

Having reviewed the revised access proposals, the LHA are now satisfied that a safe and suitable site access can now be achieved to serve the site as the roundabout has been designed in accordance with the LHA's Leicestershire Highway Design Guide (LHDG) available at; <https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2022/3/18/Part-3-design-guidance-interim.pdf> and the Design Manual for Roads and Bridges (DMRB). This is further supported by the findings of a Stage 1 Road Safety Audit and Designer's Response which has been submitted in support of the access arrangements.

Modelling Assessment

A strategic assessment was previously undertaken by the Applicant in Leicestershire County Council's Pan Regional Transport Model (PRTM), the LHA considered there to be deficiencies and concerns with the assessment work, which include inputs and assumptions not being agreed prior to the forecast work being undertaken. For example; no local model validation was undertaken in the assessment area, no agreement of planning and network assumptions and disregard for the requirement for sensitivity tests with the Hinckley National Rail Freight Interchange (NRFI).

Whilst the LHA's preference for a revised assessment would be to use PRTM, the LHA in this instance understand due to timescale constraints prior to the inquiry, an alternative modelling approach which involves a spreadsheet based approach was necessary. Notwithstanding this, the LHA sought to work collaboratively with the applicant team and were content with the alternative modelling approach including the inputs and assumptions on this specific occasion.

The alternative modelling approach included the following:

- Confirm the study area with the LHA;
- Obtain full classified turning counts at study area junctions;
- Apply growth factors derived from TEMPro v8.1 to traffic count data to obtain future year base flows;
- Manually add traffic from committed developments to study area junctions to obtain future year base plus committed development flows;
- Calculate development trip generation using trip rates from the TRICS database;
- Use Census Travel to Work data to distribute development trips;
- Add development flows to future year base plus committed development flows; and
- Assess the capacity of individual junctions using junction modelling software.

Off-Site Mitigation

The results of the modelling undertaken has demonstrated that mitigation is required to mitigate an otherwise severe impact from the proposed development on the local highway network .

A package of mitigation to mitigate the highway impact of the development on both the local highway network and strategic road network (SRN) have therefore been proposed by the applicant and agreed by the LHA and National Highways (NH). To summarise, this includes a package of improvements covering highway capacity and active travel improvements including enhanced bus service provision near to the site, a package of pedestrian infrastructure and crossing improvements along the main Sapcote Road / London Road corridor between the site and Hinckley. Improvements to bus services and pedestrian infrastructure will encourage modal shift from journeys by car and will therefore contribute towards off setting any increase in vehicle trips as a result of the proposed development.

The improvements are demonstrated on the following drawings which will be secured via condition which are included within the Highways Proof of Evidence document dated 22nd December 2023 available on HBBC's planning portal:

- A109159-TTE-00-ZZ-DR-H-0031-P01;
- A109159-TTE-00-ZZ-DR-H-0034-P01;
- A109159-TTE-XX-XX-DR-H-014-P01; and
- A109159-TTE-00-ZZ-DR-H-0033-P01

Internal Layout

As the application is in outline, with only access to be determined at this stage, the submitted indicative site layout and matters such as the proposed numbers of parking spaces have not been reviewed or considered by the LHA in preparing this response. However, the TA suggests that the internal road network would be put forward for adoption and accordingly, the LHA advises that the proposed internal roads and parking are required to be designed in accordance with the prevailing Leicestershire Highway Design Guide (LHDG) when a future reserved matters application is submitted.

Transport Sustainability

The LHA note that although there has been some consideration to the existing transport options, the TP does not set out a detailed plan of action on how the 10% reduction in single occupancy vehicle trips to and from site over the 5 years and 80% awareness of the TP amongst residents will be achieved. Therefore, the LHA are unable to approve the TP and condition an amended TP to be submitted.

As part of the mitigation proposed, it has been agreed by the LHA that the Applicant will propose and implement a Public Transport Strategy which will be secured via condition.

Conditions

Construction Traffic

1. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

Access

2. No part of the development hereby permitted shall be occupied until such time as the access arrangements and proposed footway arrangements shown on Drawing No. A109159-TTE-00-ZZ-DR-H-0004-P07 have been delivered in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

Sustainable Travel

3. No part of the development hereby permitted shall be first occupied until an amended full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2023).

4. No dwelling hereby approved shall be occupied unless and until a Public Transport Strategy has been submitted to and agreed in writing by the Local Planning Authority. The Public Transport Strategy shall include details of a bus service that shall: (i) be provided by the developer; (ii) run, as a minimum, between the site (or a location no more than 400m from one of the site's boundaries), Hinckley Railway Station and Hinckley Town Centre; (iii) shall operate either on a demand responsive basis or to a specified timetable; and (iv) shall operate Mondays to Fridays between 0700 hours and 0930 hours, and 1600 hours and 1830 hours. The Public Transport Strategy shall also include details of any bus stop infrastructure that is proposed to be delivered in connection with the proposed service and shall describe when the bus service will be introduced and for how many years it will operate. The Strategy shall be implemented as approved unless, by the time at which it is due to be delivered, an alternative service has already been provided by either the Local Highway Authority or a different developer, and the Local Planning Authority is satisfied that the alternative service will provide appropriate public transport links between the site, Hinckley Railway Station and Hinckley Town Centre.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2023).

5. No development shall commence until details of the proposed pedestrian link to Dorchester Road have been submitted to and approved in writing by the Local Planning Authority. The proposed pedestrian link shall be provided in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2023).

6. No development shall commence until details of the proposed pedestrian link from the site to PRoW U56 have been submitted to and approved in writing by the local planning authority. The proposed pedestrian link shall be provided in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2023).

Off-Site Mitigation

7. No development shall commence until a scheme of highway improvements for the junction of Burbage Road/Hinckley Road/ Sapcote Road have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in broad accordance with the details shown on (Drawing No. A109159-TTE-XX-XX-DR-H-014-P01). No dwellings shall be occupied until improvements have been made to the Burbage Road/ Sapcote Road/ Hinckley Road Junction in accordance with the approved details, unless by the time at which a scheme is to be submitted for approval or is due to be delivered, a scheme to improve the Burbage Road/ Sapcote Road/ Hinckley Road junction has already been constructed, or is being constructed by another party.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

8. No development shall commence until a scheme of highway improvements for the junction of Brookside/ Elm Tree Road / Burbage Road have been submitted to and approved in writing by the Local Planning Authority. The improvements shall be designed in broad accordance with the details shown on (Drawing No. A109159-TTE-00-ZZ-DR-H-0033-P01). No dwellings shall be occupied until improvements have been made to the Brookside/ Elm Tree Road / Burbage Road Junction in accordance with the approved details

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

9. No development shall commence until a scheme of highway improvements at the Park Road/ London Road junction has been submitted and approved in writing by the Local Planning Authority. The improvements shall be designed in general accordance with the details shown on (Drawing No. A109159-TTE-00-ZZ-DR-H-0034-P01). No dwellings shall be occupied until the approved scheme has been implemented in accordance with the approved details.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

10. No development shall commence until a scheme of footway widening on the western side of Burbage Road between Hinckley Road and Brookside has been submitted to and approved in writing by the Local Planning Authority. The proposed improvements shall be designed in broad accordance with the details shown on (Drawing No. A109159-TTE-00-ZZ-DR-H-0031-P01). No dwellings shall be occupied until the scheme has been provided in accordance with the approved details.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

Contributions

To comply with Government guidance in the NPPF and commensurate with Leicestershire County Council Planning Obligations Policy, the following contributions are required:

1. Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack per plot). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500.

Justification: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area.

2. Six-month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. These can be supplied through LCC at a cost of £415.00 per pass.

Justification: To encourage residents to use bus services as an alternative to the private car.

3. STARSfor (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.

Justification: To enable LCC to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.

4. A £12,995 contribution towards a Traffic Regulation Order (TRO) for the reduction/relocation of the existing speed limit in order to facilitate the site access arrangements as indicatively shown on Drawing No. A109159-TTE-00-ZZ-DR-H-0004-P07.

Justification: In the general interest of highway safety in accordance with the National Planning Policy Framework (2023).

5. A contribution of £5,000 for the purpose of funding the re-validation of the Microprocessor Optimised Vehicle Actuation (MOVA) at the Brookside/ Burbage Road/ Elm Tree Drive junction.

Justification: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

Informative

- Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
- To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

Date Received
14 August 2023

Case Officer
Suraj Dave

Reviewer
HH

Date issued
31 January 2023