

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: 23/00758/FUL

Highway Reference Number: 2023/0758/04/H

Application Address: Basin Bridge Bungalow Hinckley Lane Higham On The Hill Nuneaton
Leicestershire CV13 6LJ

Application Type: Full

Description of Application:

Demolition of existing bungalow and construction of single dwelling including revised access, parking and landscaping

GENERAL DETAILS

Planning Case Officer: Joseph Fleetwood HBBC

Applicant: Mr R Sheppard

County Councillor: Bertie Harrison-Rushton

Parish: Higham on the Hill

Road Classification: Adopted Unclassified

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 (2021), 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 full application 23/00758/FUL, for the demolition of the existing bungalow and construction of single dwelling including revised access, parking and landscaping. The proposals are at Basin Bridge Bungalow, Hinckley Lane, Higham On The Hill, Leicestershire CV13 6LJ.

There are numerous applications at the site, the final one being submitted under 19/00676/FUL for a replacement dwelling. Whilst this was permitted by the Local Planning Authority (LPA) on 2 October 2019, this and previous applications do not appear to include a revised access.

Site Access

The Applicant is proposing the demolition of the existing two bedroom dwelling and are proposing to replacing it with a larger four bedroom dwelling within the site.

The Applicants are also proposing to relocate the access slightly further west of the existing access currently in situ on Hinckley Lane. The proposed access would be approximately 60m to the west of the canal bridge. Hinckley Lane at the location of the proposed site access is an adopted, unclassified road subject to a 60mph speed limit.

The LHA have reviewed 'Upgraded Site Access With Vis Splays and Tracking', drawing number 3065-03 and find it to broadly accord with Figure DG20 of Part 3 of the Leicestershire Highway Design Guide (LHDG) in terms of effective access width and distance behind the highway boundary. A copy of the LHDG can be found at:

<https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2022/3/18/Part-3-design-guidance-interim.pdf>

The Applicant also demonstrates on 'Upgraded Site Access With Vis Splays and Tracking', drawing number 3065-03 access radii of 6m (west of access) and 8m (east of access) either side of the proposed access, whilst the tracking demonstrates HGV's accessing and egressing the site by utilising the entire access width, this is still seen as an improvement over the existing access. It should also be noted this is an existing situation with no intensification of HGV's expected given the proposals. The LHA are also aware of vehicle overrun at the existing access leading to severe highway verge damage. As such, the LHA find this acceptable in these site specific circumstances.

The Applicant has stated within the 'Upgraded Site Access With Vis Splays and Tracking', drawing number 3065-03 vehicular visibility splay envelopes of 2.4m by 42m to the east of the access, and 2.4m by 66m to the west. The LHA would normally expect vehicular visibility splay envelopes of 2.4m by 215m at this location given the posted speed of the road.

In light of the above, the Applicant has provided data for two speed surveys, one undertaken to the west and one to the east of the access. However, the LHA appear to only have a permit number on record for the survey to the west of the proposed access. As such, this data only shall be used. The LHA have reviewed the raw data contained within the 'Highway Statement' and find the recorded 85th percentile speeds in both directions is 36.4mph.

It is noted the Applicant has used the Manual for Streets 2 (MFS2) methodology for calculating their visibility splay envelopes, however, the LHA would question this. The LHA definition of a street is set out in Part 7 Appendix L of the LHDG, this can be found at:

<https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2022/3/16/Part-7-appendix-l-our-definition-of-a-residential-road.pdf>

This states a street:

- has a speed limit of 40 mph or less and with 85th percentile speed of traffic generally below 40 mph;

- is mainly built up on both sides with residential or a mix of residential and local facilities, shops and so on; and
- has a high place function e.g. direct frontage access, on street parking etc.

Given this, the LHA would normally expect visibility splay envelopes of 2.4m by 65m as per Table DG4 of Part 3 of the LHDG. Whilst the demonstrated 2.4m by 42m would be a shortfall of 23m to the east of the proposed access, it is an improvement of 25m over the existing access currently in use which has a visibility splay envelope of 2.4m by 17m to the east.

Notwithstanding the above, the LHA notes that whilst the existing dwelling is afforded two bedrooms and the proposed dwelling would have four bedrooms, the extra off street car parking provision required would be one vehicle as per Paragraph 3.151 of Part 3 of the LHDG. However, the LHA do not consider they could demonstrate the proposals would lead to a severe impact on the highway contrary to Paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) 2021, and therefore it would be difficult to resist the application on access grounds in the event of an appeal.

Taking all the above into consideration, the LHA find the access proposals acceptable in these site specific circumstances.

The access should be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 11m behind the highway boundary. This can be secured by condition.

Should any gates be erected they should be set back a minimum of 11m in order for vehicles to fully pull clear of the highway in the interest of highway safety. This can be secured by condition.

Should the LPA be minded to grant the application, the Applicant has indicated the existing access onto Hinckley Lane would be closed and re-instated, this is welcomed by the LHA and can be secured by condition.

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.

Should any relocation of street furniture be required to facilitate the proposed access, it would also need to be entirely at the Applicants expense.

Highway Safety

The LHA have reviewed its Personal Injury Collision (PIC) data for the most recent 5-year period. This shows there has been one recorded PIC's within approximately 500m either side of the access which was recorded as severe.

The LHA have investigated the PIC and find the location was where the road narrows at the canal bridge. A single PIC in five years could be considered to be an isolated incident, therefore the LHA considers that the development proposal would not exacerbate the likelihood of further such incidents occurring.

Internal Layout

The LHA are satisfied the proposals are in accordance with Paragraphs 3.151 (quantum of off-street car parking spaces), 3.165 (car parking space dimensions) and Figure DG13 (turning) of Part 3 of the LHDG.

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 Site Plan as Proposed, drawing number 22-106-K0001-P2. Thereafter the onsite parking and turning provision shall be kept available for such use 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 (2021).

2. No part of the development hereby permitted shall be occupied until such time as the access arrangements including visibility splays of 2.4 metres by 66 metres to the west and 2.4 metres by 42 metres to the east of the access as demonstrated on Upgraded Site Access With Vis Splays and Tracking, drawing number 3065-03 have been implemented in full. These 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 (2021).

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 (2021)

4. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access unless set back a minimum of 11 metres behind the highway boundary.

REASON: To enable a vehicle 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 (2021).

5. The new vehicular access hereby permitted shall not be used for a period of more than six month from being first brought into use unless any existing vehicular access on Hinckley Lane that becomes 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 (2021).

Informative

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
15 August 2023

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
5 September 2023