

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: 24/00484/OUT

Highway Reference Number: 2024/0484/04/H/R1

Application Address: Land East Of Leicester Road Earl Shilton Leicestershire

Application Type: Outline (with access)

Description of Application: Re-consultation. Outline planning application (some matters reserved except for means of access and scale) for the erection of up to 33 dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system and new access arrangements from the unnamed Road.

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant:

County Councillor: Richard Allen

Parish: Earl Shilton

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 has been re-consulted on a planning application at Land East Of Leicester Road Earl Shilton Leicestershire for the outline planning application (some matters reserved except for means of access and scale) for the erection of up to 33 dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system and new access arrangements from the unnamed Road.

The LHA previously responded to this application on 22nd July 2024 requesting the following information from the Applicant:

- An amended drawing indicating 2m wide pedestrian footways on either side of the site access road.

- A drawing demonstrating vehicle tracking of a refuse collection vehicle to Hinckley & Bosworth Borough Council dimensions (Phoenix 2 Series – Smooth Body RCV, EURO 5i - WIDE TRACK refuse collection vehicle) arriving and departing from the site access.
- The Applicant should reconsider the proposed central refuge island, highlighting that Design Manual for Roads and Bridges (DMRB) CD143 states that refuge islands shall not be provided where the speed limit is greater than 40mph except where the refuge island is incorporated into a single lane dualling design. Whilst the visibility splays provided are satisfactory, the refuge is still against the guidance of the DMRB.
- Dimensions should be shown for the right turn lane in accordance with Table of the DMRB CD123. These should include the lane widths, turning length, deceleration length and the direct taper length. This will help with getting the best size and location of the pedestrian refuge that is being proposed.

The Applicant has submitted a document titled 'Technical Note – Local Highway Authority Response' submitted to the Local Planning Authority (LPA) website on 27 August 2024.

The LHA has reviewed the information submitted by the Applicant and is satisfied that the Applicant has now indicated 2m wide pedestrian footways on either side of the site access road within Appendix B on the drawing titled 'Proposed Site Access Strategy' drawing no. 923-TA14.

The Applicant has also submitted within Appendix E the drawing titled 'Vehicle Tracking Large Car Opposing Refuse Collection Vehicle Arrival' drawing no. 923-TA12 Revision A and the drawing titled, 'Vehicle Tracking Large Car Opposing Refuse Collection Vehicle (Departure)' drawing no. 923-TA13 Revision A. After reviewing the drawings submitted as part of Appendix E, the LHA is satisfied that a refuse collection vehicle to Hinckley & Bosworth Borough Council dimensions can safely arrive and depart from the site access.

The LHA highlighted in its response dated 22 July 2024 that '*Design Manual for Roads and Bridges (DMRB) CD143 states that refuge islands shall not be provided where the speed limit is greater than 40mph except where the refuge island is incorporated into a single lane dualling design. Whilst the visibility splays provided are satisfactory, the refuge is still against the guidance of the DMRB.*' In response to this the Applicant has clarified that the PV2 Assessment concludes a formal crossing is not required. Therefore, the only suitable option that the Applicant feels can be pursued for Leicester Road, considering the design constraint presented by the enforceable speed limit of 50mph; is to remove the refuge island altogether.

Due to the fact that an informal and uncontrolled crossing would only be suitable to a portion on future residents, the Applicant has included a 2m wide footway provision along the eastern side of Leicester Road, which connects into the existing infrastructure on Church Road, as indicated on the drawing titled 'Proposed Access Strategy', drawing no. 923-TA14. The new footway along Leicester Road will be constructed with a full height kerb edge.

The Applicant has also indicated the dimensions of a right turn lane from Leicester Road to the unnamed road. Given the proposals within the carriageway along Leicester Road should now be those secured as part of application reference 21/00135/OUT, the LHA is satisfied the Applicant will not be undertaking any alterations to the previously agreed scheme as part of that application, and would be adding a footway alongside the carriageway only.

Conditions

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.

2. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing titled 'Proposed Site Access Strategy' drawing no. 923-TA14 have been implemented 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 (December 2023).

3. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 24 metres to the west and 2.4 metres by 36 metres to the east have been provided at the site access. 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 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 (December 2023).

4. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (December 2023).

5. No development shall take place until a scheme for the treatment of the Public Bridleway U25 has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction, proposed temporary route(s); any proposed permanent legal diversion; and construction of the new route. Physical construction should address width, surfacing, drainage, structures, signposting, landscaping, and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted Guidance Notes for Developers (<https://tinyurl.com/devprowguide>). Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

REASON: to protect and enhance Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework (December 2023).

Contributions

Please note that the exact monetary values will need to be agreed prior to the signing of the Section 106 agreement and may be subject to indexation.

6. To comply with Government guidance in NPPF and commensurate with Leicestershire County Council Planning Obligations Policy the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:

- a. 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.

Suggested trigger point: Prior to the occupation of the first dwelling.

- b. 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 (can be supplied through LCC at an average of £510.00 per pass).

Reason: To encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation.

Suggested trigger point: Payment of 25% of total obligated contribution paid prior to the occupation of the first dwelling. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings, except payment may be deferred by agreement with the County Council.

Informatives

- 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).
- All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
- A 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.

Date Received
27 August 2024

Case Officer
Harry McNicholas

Reviewer
BD

Date issued
19 August 2024