

**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: 23/00499/CONDIT

Highway Reference Number: 2023/0499/04/H

Application Address: Five Acres Rogues Lane Hinckley Leicestershire LE10 3DX

Application Type: Variation of Condition (s73)

Description of Application:

Variation of condition 2 and 6 of planning permissions APP/K2420/C/15/3132569 (15/00145/UNUSEH). Amendment for 6 additional pitches on the site and residential gypsy and traveller caravan site.

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mr M Cash

County Councillor: Cllr David Bill MBE

Parish:

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:

Objection

Objection to the variation of Condition 2

No comments

Condition 6 was not advised by the Local Highway Authority (LHA) who therefore have no comments to make on these details.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) are in receipt of an application to vary Conditions 2 and 6 of appeal decision APP/K2420/C/15/3132569 (15/00145/UNUSEH). Based on the submitted application form, the Applicant wishes for Condition 2 to be varied to allow for a total seven pitches on the site, one of which would be a day room. The Applicant seeks to identify the 0.2 ha that is to be used as a residential gypsy and traveller caravan site as part of Condition 6.

Condition 2

There shall be no more than 2 pitches on the site. Neither pitch shall, at any time, contain more than 2 caravans or more than one static caravan (with a caravan being as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968).

Highways Comments:

As per the submitted application form, the Applicant wishes to vary Condition 2 to:

'There shall be no more than 7 pitches on the site. Neither pitch shall contain more than 2 caravans or more than one static caravan (with a caravan being defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968). One of the pitches shall contain a day room.'

The LHA advised refusal of application reference 15/00145/UNUSEH on the grounds of an intensification in use of an unsuitable road, inappropriate visibility at the site access and transport sustainability. The application was however allowed at appeal (reference APP/K2420/C/15/3132569).

After liaising with the Local Planning Authority, the LHA understands that the proposals would result in an additional six traveller pitches and a day room at the site over and above the two pitches granted as part of planning permission APP/K2420/C/15/3132569 (15/00145/UNUSEH). Details of the location of the six pitches and day room are provided on the Proposed Site Plan (ii) drawing received by the Local Planning Authority (LPA) on 21 June 2023.

The Applicant has also stated within the application form that Condition 2 has already been varied to allow an additional mobile home on the site. The LHA is aware of application 17/00248/CONDIT for the addition of one static mobile home, however that application was refused planning permission by the LPA on 15 September 2017. It does not appear the LHA were consulted on that application. The LHA cannot find any other records which suggest Condition 2 has already been varied to allow an additional mobile home at the site.

The LHA has reviewed the appeal decision and notes that the inspector considered there was adequate visibility at the junction of Middlefield Lane with Rogues Lane based on the recorded speeds of passing traffic. It was also stated Personal Injury Collision data was considered as part of the Inspectors assessment. Based on available records to the LHA there have been no recorded Personal Injury Collisions along Rogues Lane within the last five years.

It is noted that the Inspector conditioned visibility splays of 2.4m by 17m either side of the site access with Middlefield Lane, which should thereafter be kept clear of any obstruction greater than 0.6m in height above the carriageway of the track. Since the appeal, Middlefield Lane appears to have been hard bound with bolt down speed bumps installed either side of the site access. In addition, a brick wall with brick pillars appears to have been built either side of the access. The LHA consider the brick wall may restrict the 2.4 x 17m visibility splay conditioned by the inspector.

Should the Applicant be able to demonstrate a 2.4 x 17m visibility splay either side of the site access, which could require removal of sections of the wall, this could overcome the LHA's objection to the proposals.

Condition 6

Within 3 months of the date of this decision details shall be submitted to the Local Planning Authority of the part of the site to be used for the residential gypsy and traveller caravan site. This part shall not exceed 0.2ha. Caravans shall thereafter be sited in that part of the site only and no caravans shall be sited on any other part of the site.

Highways Comments:

The submitted application form states that the 0.2ha area never appears to have been identified as required by condition 6 and that this application intends to identify the area. It is unclear to the LHA where the 0.2ha area is, as there does not appear to be a red line plan identifying this.

Nevertheless, the LHA have no comments to make on the area to be used for the residential gypsy and traveller caravan site at present.

Date Received
22 June 2023

Case Officer
Ben Dutton

Reviewer
DH

Date issued
24 August 2023