

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: 23/00982/OUT

Highway Reference Number: 2023/0982/04/H/R2

Application Address: Land To The Rear Of The Cottage 34 Keats Lane Earl Shilton Leicestershire

Application Type: Outline (with access)

Description of Application:

Re-consultation. Outline Planning permission for residential development of up to 10 bungalows
(some matters reserved except for scale and access)

GENERAL DETAILS

Planning Case Officer: Alex Jelley

Applicant: Mr Paul Batson

County Councillor: Richard Allen

Parish: Earl Shilton

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 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 Authority (LHA) have been re-consulted on an outline application for the construction of up to 10 bungalows at land to the rear of The Cottage, 34 Keats Lane, Earl Shilton. Access and scale are to be determined at this stage.

The LHA previously responded to the Local Planning Authority (LPA) on 8 November 2023 and 29 February 2024 requesting additional information, this included but may not be limited to:

- Amended scaled plan demonstrating off site highway works including parking bay is shortened to prevent obstruction of turning movements into and out of the development;

- 'Give Way' and centre line markings are provided within West Street so as to encourage drivers to align themselves to the nearside kerb at the junction with Keats Lane;
- To include amendments to the single yellow line with the addition of some 'No Waiting At Any Time' signs at the junction opposite.

Off-Site Implications

In response to the LHA's previous observations provided to the LPA, the Applicant has provided additional information including 'Proposed Site Plan', drawing number 8883-03-03 Rev C and covering email dated 1 March 2024. The LHA have reviewed the information and make the following comments.

The Applicant has demonstrated on LPA 'Proposed Site Plan', drawing number 8883-03-03 Rev C a proposed shortened parking bay and demonstrated swept path analysis with vehicles accessing and egressing the site in both directions. The LHA have reviewed this and find it acceptable.

Whilst the Applicant has not demonstrated 'Give Way' and centre line markings within West Street at the junction with Keats Lane, or demonstrated amendments to the single yellow line, the LHA are satisfied that this could be approved at the Section 278 application stages and therefore conditioned.

Taking all the above into consideration, the LHA would not seek to resist the application subject to the following conditions.

Conditions

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Plan, drawing number 8883-03-03 Rev C 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).

2. Prior to commencement of the development hereby permitted, a scheme to amend existing Traffic Regulation Orders (TRO) fronting the site on Keats Lane, including 'Give Way' and centre line markings within West Street shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in full prior to first use of the development.

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

3. 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.

4. No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their fencing or any other boundary treatment, surfacing, width, structures, signing, landscaping, and management during construction in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. 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 100 of the National Planning Policy Framework (December 2023).

5. The Public Footpath should comprise of 2 metres surfaced width with a 1 metre grass verge either side in accordance with the County Council's Guidance Notes for Developers.

Reason: to provide an all-weather route in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (December 2023).

6. No trees or shrubs should be planted within 1 metre of the edge of the Public Right(s) of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

Reason: to prevent overgrowth of the path in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (December 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>
- Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.

- The Public Right(s) 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.
- The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- 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.
- 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.
- 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.

Date Received
5 March 2024

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
19 March 2024