

**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: 23/01145/CONDIT

Highway Reference Number: 2023/1145/04/H/R1

Application Address: Neovia Logistics Services (UK) Ltd Peckleton Lane Desford Leicester
Leicestershire LE9 9JU

Application Type: Variation of Condition (s73)

Description of Application:

Re-consultation. Variation of wording of condition 35 (scheme of mitigation-Dan's Lane/A47 junction) of planning permission 21/00619/FUL

GENERAL DETAILS

Planning Case Officer: David Spring

Applicant: c/o WSP

County Councillor: Cllr Peter Bedford

Parish: Peckleton

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 Variation of Condition 35.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been re-consulted by the Local Planning Authority (LPA), Hinckley and Bosworth Borough Council (HBBC), on the above Variation of Condition application. The LHA understands that this application seeks to vary the trigger for offsite mitigation works (as prescribed by condition 35 attached to application 21/00619/FUL) from pre-occupation to the occupation of Units 1 and 2. In its previous observations on this application (dated 22 December 2023) the LHA objected to the proposed variation of condition 35. The Applicant has subsequently submitted additional information in support of this application.

Condition 35

For ease of reference and for the avoidance of doubt, Condition 35 attached to permission 21/00619/FUL is repeated below:

'No part of the development shall be occupied until such time as a scheme of mitigation at the A47 / Dans Lane junction as generally shown on drawing numbers 403.10671.00001.H005.4 and 403.10671.00001.H007.5 or 403.10671.00001.H009.1 and 403.10671.00001.H008.1 has been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).'

Highways Comments:

In its previous observations dated 22 December 2023, the LHA objected to the proposed variation of condition 35. This was based upon a review of the submitted highway impact assessment as detailed within the submitted Technical Memorandum (TM) titled 'Dan's Lane/A47 junction Improvement Scheme Trigger Point Analysis' (dated 14 June 2023). The LHA advised that the assessment undertaken was not supported by the LHA on the basis there are errors in the vehicle trip generation/trip assignment and the committed growth assumptions are not as agreed, both of which may underestimate the impact of the delivery of Units 1 and 2 prior to the delivery of the required Dan's Lane/A47 junction improvement scheme. Notwithstanding this, the LHA advised that the results of the impact assessment demonstrated were of significant concern to the LHA. This is because a Ratio Flow Capacity (RFC) of 0.99, 1.24 and 1.37 had been identified within the 2028 background growth, committed development and proposed development assessment scenarios within the AM and PM hours. Finally, the LHA also noted that condition 5 attached to application 21/00619/FUL has not been discharged for Units 1 and 2 and as such it was unclear whether the quantum split identified is secured in planning.

The Applicant has submitted the following additional information in support of this application:

- Email from the Applicant to the LHA dated 28 July 2023; and
- Email from the Applicant to the LPA dated 9 February 2024.

The LHA have reviewed the submitted emails and note that the submitted highway impact assessment, as previously submitted within the TM dated 14 June 2023 has not been revised.

The LHA notes that the submitted email from the Applicant to the LPA (dated 9 February 2024) states the following:

'I would ask that you draw LCC's attention to the clarifications and further information provided by SLR to LCC on the 28th July (email attached) as part of the pre-application advice request (ref: 2023/2643/04/P/HEN) that preceded this S73 application, which when read alongside the original submission documents with this S73 application should address LCC's comments.'

Notwithstanding that the highway impact assessment submitted remains unacceptable, the LHA has sought to provide comment on the additional information submitted by the Applicant below under the various sub headings.

Pre-application advice

The LHA advises that submitting information in support of a Pre-application advice request to the LHA does not negate the requirement for all necessary supporting information to be submitted in support of a planning application submitted.

Trip Generation/Trip Distribution/Other applications

In its initial observations on this application (dated 22 December 2023), the LHA advised that in calculating vehicle trip generation for units 1 and 2 there are shortfalls in the AM and PM peak as presented within the submitted TM. The LHA advised that it would require the Applicant to utilise the following vehicle trip generation within the required assessment:

AM Peak In: 38
AM Peak Out: 12
AM Peak 2-way: 50
PM Peak in: 11
PM Peak Out: 33
PM Peak 2-way: 44

The LHA notes that the submitted email from the Applicant to the LHA states, in response to vehicle trip generation comments made by the LHA at the time, that:

'These are rounding errors for the total trip generation for each unit as presented in Table 3 and Table 4 i.e. the total number of vehicle movements at the site access. The number of vehicle movements to be modelled at the Dan's Lane / A47 junction (Table 6 and Table 7) is shown to be correct (36 in the AM peak and 27 in the PM Peak); however we have noted some discrepancies in the flows that were modelled. These have now been corrected and shown below for the morning peak hour (07:15 to 08:15 as the critical hour'

Outputs from a revised Junction Capacity Assessment (JCA) are then presented and are extracted overleaf for ease of reference:

Movement	2028 Base + Committed Development		2028 Base + Committed Development + Griffen Park Units 1 and 2	
	Max Queue	RFC	Max Queue	RFC
Dan's Lane left turn	0.5	0.34	0.6	0.37
Dan's Lane right turn	22.6	1.27	30.3	1.41
A47 (N) right turn	1.1	0.52	1.3	0.57

The LHA therefore notes that the Applicant acknowledges that there are discrepancies within the flows that were modelled within the highway impact assessment undertaken. Furthermore, the LHA is unable to review the vehicle trip generation and vehicle trip distribution assumptions made for the above revised JCA on the basis these have not been submitted. Other required supporting

information (such as JCA inputs/full outputs etc.) are also not currently presented for the above revised assessment.

Notwithstanding that the LHA cannot review the above assessment in detail due to the lack of supporting information submitted, the LHA advises that a Ratio of Flow to Capacity (RFC) increase of 0.14 at a congested junction presents a significant concern to the LHA.

The LHA notes that the submitted email to the LHA then makes comparison to Ashfield Farm planning application reference 19/01243/OUT. The LHA advises the Applicant that planning applications are considered on a case by case basis and in their own merit in accordance with relevant local and national policy. Paragraphs 114 and 115 of the National Planning Policy Framework (NPPF 2023) are of particular relevance in this regard. The LHA also advises that references to the Ashfield Farm application and comparisons drawn are unlikely to be representative on the basis that application is for residential development and not a B8/B2 land use logistics site.

TEMPRO Growth Factors

In its initial observations on this application dated 22 December 2023, the LHA requested that the applicant identifies which area growth factor have been applied to generate the indicated growth factors of an AM Peak of 1.0387 and a PM Peak of 1.0388 in order to assess the suitability of the TEMPRO growth factors applied. The Applicant has submitted further information in relation to the TEMPRO growth factors applied as indicated within the submitted email to the LHA. This states that the data is for Hinckley and Bosworth 005 and provides an extract from TEMPRO. The LHA has reviewed this and accepts the TEMPRO growth factor applied.

Committed Development

In its initial observations dated 22 December 2023, the LHA advised that the committed growth assumptions presented within the submitted TM are not agreed on the basis the LHA would require the revision of Westfield Farm growth assumption (application reference 14/01279/OUT) to be assumed at 100% build out by 2028. The LHA also requested that the Desford Residential sites listed within LHA pre-application advice response reference 2023/0130/04/P/HEN/R1 (included within appendix 1 of the submitted TM) should be identified and applied as committed growth (where appropriate).

The LHA notes that the submitted email states that the LHA provides further information on Desford residential sites. Application reference 18/01252/OUT is included within the assessment which is acceptable to the LHA. The LHA notes that application references 11/00489/FUL, 20/00143/FUL and 22/00277/OUT are not included within the assessment which is acceptable to the LHA.

However, the LHA notes that the submitted email from the Applicant to the LHA justifies the 75% assumption of Westfield Farm (application reference 14/01279/OUT) which has been applied to the JCA undertaken. The submitted email states the following:

'Given Phase 1 and a large proportion of Phase 2 of this development were already built and occupied when the traffic survey was undertaken in February 2023 (an estimate of a minimum of 50% of the total development of 350 dwellings), 75% of the total traffic flows is likely to be an overestimation and therefore very robust'

The LHA notes that the highway impact assessment submitted in support of application reference 14/01279/OUT assumed a 2024 forecast year (100% build out) as agreed with the LHA. Furthermore, the reserved matters application associated with Westfield Farm (application reference 19/01442/REM) was determined and approved by the LPA in 2020. The LHA would therefore reiterate that it requires a 100% build out by 2028 in accordance with the approved application.

Furthermore, the LHA notes that application reference 15/00188/OUT (Hinckley West Normandy Way) is included within appendix 4 of the submitted Technical Memorandum submitted. The LHA notes that this committed growth assumption does not appear to include application reference 23/00573/FUL for the southern parcel for 153 dwellings. The LHA notes that this parcel is allocated within the draft Hinckley and Bosworth Local Plan (reference HIN01H). The LHA would therefore require this application to be considered as committed growth. Furthermore, the LHA is aware that planning application reference 22/00318/OUT for 475 dwellings at Stoke Road, Hinckley, has been allowed at appeal (reference APP/K2420/W/23/3323113) on 18 January 2024. The LHA would therefore require this permission to be considered as committed growth.

The committed growth assumptions included as a part of the highway impact assessment submitted are therefore not agreed with the LHA.

Junction Model

In its initial observations dated 22 December 2023, the LHA advised that the actual model file had not been submitted in support of this application. The LHA therefore requested that this is submitted for review.

The LHA notes that the submitted email to the LPA states that the LHA have reviewed the junction model utilised for the submitted assessment during pre-application engagement. Whilst the junction model was not provided in support of this application, the LHA acknowledges that a Junctions 10 PICADY model was submitted and does accept the calibration of the model submitted. However, as covered elsewhere within this report, the assumptions of the highway impact assessment are not agreed and the results presented are of significant concern to the LHA.

Other Matters

Within its initial observations dated 22 December 2023, the LHA noted that condition 5 attached to permission 21/00619/FUL states that:

'Prior to occupation of each hereby approved building a plan shall be submitted to and approved in writing by the Council providing confirmation of the amount of floor space provided for B8 and B2 use within that building. The use of the building shall thereafter accord with the approved details.'

Reason: To ensure adequate access and parking arrangements are provided on site in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).'

The LHA noted that the above condition is not currently discharged and as such there is potential uncertainty around the presumed 80% B8 and 20% B2 land use assumption applied as a part of the previously submitted assessment.

The LHA is subsequently aware of live application reference 23/01129/DISCON which is a discharge of conditions application, one of which is condition 5 attached to permission 21/00619/FUL for Unit 1 only. In its initial observations on application 23/01129/DISCON (dated 16 January 2024) the LHA objected to the discharge of condition 5 (for Unit 1) on the basis the stated 100% B8 floor space was not indicated on an internal layout drawing.

As such, the LHA reiterates to the Applicant that the above condition is not currently discharged and as such there is potential uncertainty around the presumed 80% B8 and 20% B2 land use assumption applied as a part of this assessment.

Closing

The assessment undertaken in support of this variation of condition application to revise the delivery of the obligated Dan's Lane/A47 junction scheme to post occupation of Units 1 and 2 remains unacceptable to the LHA. This is on the basis the Applicant acknowledges that there are discrepancies within the flows that were modelled within the highway impact assessment undertaken as detailed within the previously submitted Technical Memorandum. Furthermore, committed growth assumptions have are not agreed. As such, the impact of the delivery of Units 1 and 2 prior to the delivery of the required Dan's Lane/A47 junction improvement scheme may be underestimated within the previously submitted highway impact assessment.

Notwithstanding this, the results of the impact assessment as presented are of significant concern to the LHA in that a RFC of 0.99, 1.24 and 1.37 have been identified within the 2028 background growth, committed development and proposed development assessment scenarios within the AM and PM hours within the TM submitted. For ease of reference, the LHA extracts and highlights yellow these results from the TM submitted overleaf:

Table 10: Dan's Lane/A47 PICADY Results (07:15 to 08:15)

SLR Scenario	Stream	Maximum RFC	Maximum Queue
2023 base	Dan's Lane to A47 northeast	0.18	0.2
	Dan's Lane to A47 southwest	0.70	2.2
	A47 northeast right turn to Dan's Lane	0.38	0.6
2028 base, background traffic growth, committed developments	Dan's Lane to A47 northeast	0.34	0.5
	Dan's Lane to A47 southwest	1.27	22.6
	A47 northeast right turn to Dan's Lane	0.52	1.1
2028 base, background traffic growth, committed developments, Griffen Park Units 1 and 2	Dan's Lane to A47 northeast	0.36	0.5
	Dan's Lane to A47 southwest	1.37	27.9
	A47 northeast right turn to Dan's Lane	0.56	1.2

Table 11: Dan's Lane/A47 PICADY Results (07:45 to 08:45)

SLR Scenario	Stream	Maximum RFC	Maximum Queue
2023 base	Dan's Lane to A47 northeast	0.18	0.2
	Dan's Lane to A47 southwest	0.70	2.2
	A47 northeast right turn to Dan's Lane	0.35	0.5
2028 base, background traffic growth, committed developments	Dan's Lane to A47 northeast	0.33	0.5
	Dan's Lane to A47 southwest	1.16	18.6
	A47 northeast right turn to Dan's Lane	0.48	0.9
2028 base, background traffic growth, committed developments, Griffen Park Units 1 and 2	Dan's Lane to A47 northeast	0.34	0.5
	Dan's Lane to A47 southwest	1.24	23.7
	A47 northeast right turn to Dan's Lane	0.51	1.0

Table 12: Dan's Lane/A47 PICADY Results (16:30 to 17:30)

SLR Scenario	Stream	Maximum RFC	Maximum Queue
2023 base	Dan's Lane to A47 northeast	0.22	0.3
	Dan's Lane to A47 southwest	0.65	1.8
	A47 northeast right turn to Dan's Lane	0.19	0.2
2028 base, background traffic growth, committed developments	Dan's Lane to A47 northeast	0.32	0.5
	Dan's Lane to A47 southwest	0.90	5.8
	A47 northeast right turn to Dan's Lane	0.26	0.4
2028 base, background traffic growth, committed developments, Griffen Park Units 1 and 2	Dan's Lane to A47 northeast	0.33	0.5
	Dan's Lane to A47 southwest	0.99	9.5
	A47 northeast right turn to Dan's Lane	0.27	0.4

Outputs from a revised Junction Capacity Assessment have been presented within the submitted email from the Applicant to the LHA without any supporting information required and as such this assessment is also not accepted by the LHA.

The results of this additional assessment presented are of significant concern to the LHA in that a RFC of 1.41 has been identified within the 2028 background growth, committed development and proposed development assessment scenario. Both assessments submitted indicate an RFC which is above the theoretical limit of capacity (a RFC of 1).

Finally, condition 5 attached to application 21/00619/FUL has not been discharged for Units 1 and 2 and as such it is unclear if the quantum split identified is secured in planning. The LHA therefore objects to the Variation of Condition 35.

Date Received
12 February 2024

Case Officer
Perry Miller

Reviewer
SD

Date issued
1 March 2024