

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: 23/01090/OUT

Highway Reference Number: 2023/1090/04/H

Application Address: Land At Cliffe Lane Markfield Leicestershire

Application Type: Outline (with access)

Description of Application:

Outline Application for the construction of employment units (Use Classes E(g)(i), E(g)(ii), B2 and B8) (some matter reserved except for access).

GENERAL DETAILS

Planning Case Officer: Matt Jedruch

Applicant: Mr H Milner

County Councillor: Cllr Peter Bedford

Parish: Stanton-under-Bardon

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 does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been consulted on an outline application for the construction of employment units (Use Classes E(g)(i), E(g)(ii), B2 and B8) at land at Cliffe Lane, Markfield. All matters other than access are reserved at this stage.

Based on the submitted application form, the proposed internal floorspace of the overall development will be 10,532 square metres. As per Part 2, Table PDP1 of the Leicestershire Highway Design Guide ([LHDG], available at <https://resources.leicestershire.gov.uk/lhdg>), a Transport Assessment and Travel Plan would be required for a development of this scale.

The Applicant has submitted an Accompanying Highways Report authored by Edwards & Edwards Ltd and dated 8 November 2023. It should be noted that pre-application correspondence with the LHA is referred to in the document.

While this was for a different quantum of development, the LHA advise a number of the points raised below were highlighted at the pre-application stage as being necessary as part of any future application and the principle of this information remains irrespective of the development proposed.

It is disappointing the pre-application advice does not appear to have been fully taken on board and information the LHA would consider necessary as part of a outline (access) application is stated as still to be provided by the Applicant.

Site Access

The site currently has two points of access. The first point of access is off Shaw Lane, an A Classified road (A511) subject to a 50mph speed limit. The Applicant has suggested this access, which is currently in use, would be closed and retained as an emergency access. The LHA advise at this stage its preference would be for all vehicular access from the A511 to be permanently closed, with no emergency access being provided, no justification for such an access has been provided, or a detailed drawing of the design. The LHA advise that details of a pedestrian/ cycle access are provided in this location at this stage, along with details as to the re-instatement of the existing dropped kerbs.

The second point of access is off Cliffe Lane, an unclassified road subject to the national speed limit. While the LHA acknowledge there are dropped kerbs and hard surfacing within the highway leading to the site, it is clearly evident that this access point has not been in use for several years. The access is obstructed by hedgerow, permanent fencing (with no gates which could be opened to allow for vehicular access) and boulders. For the avoidance of doubt, LHA therefore advise it considers this access not in use and has not generated any vehicular traffic to serve the existing farmland for a considerable number of years.

The Applicant intends for the proposed development to be accessed from Cliffe Lane. This is accepted in principle by the LHA, given Part 1, Section 5, Paragraph 1.30 of the LHDG states *'Also, if access to a development can be gained off a minor or side road, you should normally consider this option as preferable'*. Nevertheless, the LHA require a safe and suitable access to be demonstrated.

While it is stated the existing access would be designed to LHDG standards so that it is suitable to cater for large commercial vehicles, the Applicant has failed to provide a detailed drawing of the site access arrangements. Given that access is being applied for as part of this application, the LHA require a detailed site access drawing to be submitted.

Furthermore, the LHA are unclear as to precisely where the access would be located. While it is stated in the Highway Report that the existing access is to be improved, the submitted Indicative Site Plan (Urban designs drawing number 2023-775-P-01 Rev. A) clearly shows a new access would be constructed to the north of the existing dropped kerbs, as detailed in Figure 1 below. The LHA would therefore expect the existing access to be permanently closed with the installation of full height kerbs.



Figure 1: Indicative Site Plan detailing site access location.

The Applicant has stated that visibility splays of 2.4 x 127m northbound and 2.4 x 170m southbound can be achieved at the access. A speed survey has been commissioned to determine the 85th percentile speeds in both directions and that the results would be submitted when they are available. In the absence of a speed survey or any detailed site access drawing providing details of the available visibility splays, the LHA are unable to comment any further on the visibility splays at this time.

The Applicant should be aware that the LHA will require an automatic speed survey (not handheld radar) to be undertaken at the site access and that visibility splays will need to be provided in accordance with Part 3, Table DG4 of the LHDG. The Applicant should be advised that a permit is required to carry out any traffic count/speed survey on the public highway within Leicestershire. A permit can be obtained by contacting ndi@leics.gov.uk. Alternatively, Leicestershire County Council offer a data collection service including a large traffic count database. For details of the services available please contact ndi@leics.gov.uk.

The LHA also expect swept path analysis to be undertaken of the largest anticipated vehicle (such as an HGV) arriving and departing the site in all directions, along with an independent Stage 1 Road Safety Audit of the site access and Designer's Response to any problems raised and (if necessary) a revised site access drawing.

While the Applicant has stated the proposals will significantly improve an existing point of access onto the network, the LHA advise no evidence or detailed drawings have been provided to demonstrate that the proposed access would be safe and suitable. As detailed in the 'trip generation' section below, the LHA considers the proposals could generate a significant amount of vehicular traffic in comparison to the existing agricultural use. The existing dropped kerb access has not been in use for a considerable number of years and even if it was to be re-opened, without further evidence, the LHA consider the level of traffic and large slow moving vehicles associated with agricultural use are likely to be negligible in comparison to the proposals.

The LHA are also aware of County Planning Authority application reference 2022/EIA/0100/LCC for the continuation of mineral operations overburden disposal and ancillary activities at Cliffe Hill Quarry, including an easterly extension to Old Cliffe Hill Quarry with new screening landform requiring the relocation of parts of Cliffe Lane, Cliffe Hill Road and Stoney Lane, the demolition of Peak Hayes Farm and 'Sunny Cliffe', the construction of a new access into Old Cliffe Quarry with landscaping, habitat creation and restoration of the quarry void to water. The Applicant has stated within the Highway Report that notwithstanding that application, each application should be considered on its own merits, the proposed realignment is south of this application's site access,

and therefore will have no detrimental impact on the operation of the access. Given the application to realign Cliffe Lane was submitted over a year prior to this application, the LHA advise it is reasonable to require the Applicant demonstrate on a drawing what impact the proposed realignment of Cliffe Lane could be on these proposals if they were granted planning permission.

Given access is to be determined at this stage, the LHA advise it is unable to provide any further comments until the additional information requested above has been provided in full. The Applicant has currently failed to demonstrate safe and suitable access could be achieved to the site.

Highway Safety

The Applicant has obtained Personal Injury Collision (PIC) data from Leicestershire County Council for between 1 January 2018 and 31 August 2023. The Applicant has considered PIC's which have occurred at the M1 J22 roundabout and Cliffe Lane within the vicinity of the proposed site access. Six PICs were identified at the M1 J22, all of which were recorded as slight, while no PICs were identified within 500m of the site access on Cliffe Lane.

The LHA will provide further advice on highway safety following submission of a detailed site access drawing, as well as consideration of trip generation and trip distribution by the Applicant, as per the below. The LHA advises consideration of PICs across a wider area may be required.

Trip Generation and Distribution

The Applicant has used TRICs to establish the approximate level of trips which could be generated by the proposals. Table 1 indicates the level of vehicular trips (all vehicles, including HGV's) which could be generated by B8 units totalling 9740sqm and B2 units totalling 792sqm. It should be noted the submitted application form does not confirm the breakdown in respect of the scale of each use class.

	Arrivals	Departures	Total
AM peak (8AM – 9AM)	46	31	77
PM peak (5PM - 6PM)	31	17	49
Daily (7AM - 7PM)	397	397	794

Table 1: Approximate daily trips (all vehicles) for combined B8 and B2 units.

Whilst the LHA accepts the principle of using 85th percentile TRICS trip rates to establish trip rates for the proposed development, it is noted that both searches have used surveys undertaken during the Covid-19 pandemic, which the LHA would not typically accept. On this basis, the LHA advises the Applicant should review the TRICS analysis. Furthermore, comparisons could also be made between the proposed trip rates and other similar scale / type of developments in the area.

The LHA also notes that there are discrepancies on the submitted application form as to whether Use Classes E(g)(i) and E(g)(ii) or E(g)(ii) and E(g)(iii) are proposed. It is also noted that that none of the proposed units appear to fall under this use class shown within Table 1 of the the Highway Report. The LHA requests clarity on these points and could potentially require further information in respect of trip generation following further information being provided.

The Applicant has stated that the trips detailed in Table 1 above should not be considered as additional trips on the network as a proportion of the calculated trips could reasonably be expected to occur at the site. In addition, the Applicant states that an existing business (MTS Ltd) is intending to relocate to their existing business operations from Coalville to the application site. The existing site is stated to comprise of offices and warehouse facilities.

The level of trips MTS Ltd currently generates during the peak hours is detailed in Table 2. The Applicant states that a formal survey of the existing site can be provided if necessary.

	Total two-way movements
AM peak (8AM – 9AM)	20
PM peak (5PM - 6PM)	20
Percentage of HGV trips	90%

Table 2: Trip generation and modal split at existing MTS site.

The Applicant states it is not considered that the current proposal would have a detrimental impact on the free flow of traffic on the surrounding highway network, as the current proposal would not result in a significant increase in vehicle trip rates in network peak hours when also taking into consideration the established fall-back position and MTS Ltd.'s intention to relocate their existing business operations.

The LHA do not accept the above statement that the proposals should not be considered to generate additional trips on the network at this time. As advised earlier in this report, the LHA consider the level of trips which could be generated by the agricultural use are likely to be negligible. Based on satellite imagery, it appears the site is made up predominantly of agricultural fields and woodland. Without any further compelling evidence from the Applicant, such as actual traffic count data which is no more than three years old, the LHA do not consider that the existing agricultural site could realistically generate similar levels of traffic to those in Table 1 on a sustained daily or weekly basis throughout the year. Given this, the LHA would usually consider that any trips agricultural land could generate would be discounted for a robust assessment.

In terms of the existing business which would relocate to the site, the LHA notes that paragraphs 3.1 and 3.2 of the submitted Design & Access Statement detail that:

'The applicants currently operate a storage and distribution enterprise in the area. They have outgrown their current premises and require more storage space.' and

'It would therefore appear a suitable location to meet the applicant's needs for additional storage space'.

The LHA are therefore unclear as to whether the business is looking to *expand* or *relocate*. In either circumstance, the LHA assume the vacant buildings would become occupied by another user and therefore these proposals could create additional trips on the highway network. Furthermore, it is unclear how much of the site would be occupied by MTS and it is noted that the D&AS details that other businesses are looking to locate to the site. Therefore the square meterage of MTS and use classification of MTS in comparison to the rest of the site is required. The LHA would also require the location(s) of the existing MTS unit(s) and an actual traffic survey being undertaken of the existing site, as suggested by the Applicant.

Notwithstanding the potential use of the site by MTS, there does not appear to be any reason why the Applicant or another end user could not use the site more intensively in the future. As such, the LHA consider the TRICS analysis should form the overall basis as to how many trips the site could generate during the peak hours/ per day.

In terms of trip distribution, the Applicant has stated at the pre-application stage, the LHA advised trip distribution may need to be based on the Pan Regional Transport Model (PRTM). The Applicant states they have subsequently established with Leicestershire County Council that the use of PRTM is not required. The LHA advise it has not been party to any discussions between the Applicant and Leicestershire County Council in respect of whether or not to use PRTM and as trip distribution has not been agreed, it cannot confirm whether or not the use of PRTM is required at this stage.

The Applicant has subsequently set out how they will establish trip distribution using Census data. As this application has been submitted in outline form, it is unclear why the Applicant has not undertaken the exercise prior to submitting the application if this is what they have considered is most appropriate.

The LHA advises that analysis of trip distribution is still required and based on the above, it is unable to provide further advice on what it considers would be the most appropriate method until further information has been provided.

Junction Capacity Assessments

The Applicant has set out how they would undertake capacity assessments following their trip distribution analysis. The LHA is unclear why this exercise has not been undertaken prior to the submission of the application.

The LHA advise at this stage that the following junctions in particular may need consideration, once trip distribution has been established:

- Site access/ Cliffe Lane
- M1 J22
- A511 Shaw Lane/ A511 Little Shaw Lane/ B591 Copt Oak Road/ Stanton Lane roundabout (Flying Horse roundabout)
- A50 Leicester Road/ Markfield Lane/ Launde Road/ Leicester Road roundabout (Field Head roundabout).

As detailed further above, a permit is required for the Applicant to undertake traffic surveys on the network.

The LHA would expect committed developments in the area to be considered, and a base year of 2024, along with a future year of 2029 to be considered.

Off-Site Implications

The Applicant has currently failed to demonstrate the impact of the proposals on the surrounding highway network. Nevertheless, at this stage, the LHA advise it may require a financial contribution towards the Coalville Transport Strategy at the very least.

A number of junctions along the A50/ A511 corridor operate over capacity at peak times and an improvement schemes have been identified by Leicestershire County Council at the Flying Horse and Field Head roundabouts. Several developments in the area have been obligated to provide a fair and proportionate Section 106 contribution towards the Coalville Transport Strategy to mitigate the otherwise severe impact of each development on the network. Further details can be found on <https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/a511-growth-corridor-scheme>

Consideration is also required as to how pedestrians would safely access existing bus stop provision as detailed further below in the Transport Sustainability section.

Internal Layout

The internal layout of the development is not for consideration at this stage. This has therefore not been reviewed in detail by the LHA.

Transport Sustainability

The Applicant has stated they are committed to the provision of a Travel Plan or a Travel Plan Statement, should the LHA consider one to be required based on the proposed scale of development. As detailed at the start of this report, Part 2, Table PDP1 of the LHDG states a travel plan is required for the proposed scale of development. A Travel Plan should therefore be submitted by the Applicant.

The site is somewhat remote from residential areas and with limited pedestrian links, however is situated close to bus stops served by regular bus services between Swadlincote and Leicester.

The LHA is unclear how existing bus stops on the A511 would be safely accessed by pedestrians, as there appears to be no pedestrian link between the existing A511 access and the existing bus stops. It is also unclear what provisions would be made for pedestrians to cross the A511. This should therefore be given consideration by the Applicant at this stage, with any proposals subject to a Stage 1 Road Safety Audit.

The LHA advise at this stage that provision of one travel pack (currently £52.85) and one bus pass (currently £490 for an Arriva service) per employee may be required by the LHA as part of any future Section 106 agreement. It should be noted the Applicant has stated on the application form that the proposals would not create any new jobs, and it is unclear if this is correct.

Highway Trees

The LHA are aware of an existing Oak tree which is situated within the highway close to the proposed access location. While this is highlighted within the Applicant's Tree Survey as T023, the LHA are unclear precisely how this highway tree would be affected by the proposals, given the absence of a site access drawing and the uncertainty as to where the access is actually proposed. The LHA will give further consideration to highway trees and provide further advice following further information being provided in respect of the site access.

Public Rights of Way

The route of Public Footpath R100 is beside the southern site boundary and joins Cliffe Lane at the same point as the existing site access.

The Highway Report notes the point about the footpath and site access and states: It will be ensured that any access improvements associated with the proposed development do not impede on the use and accessibility of the PROW.

The alignment of the footpath is legally 'fixed' by the Definitive Map Public Right of Way, the official record. So it is important for any changes to ensure that the legally-defined footpath route remains clear, available, and safe to use - as any impediments may constitute an unlawful obstruction of the public right of way. Also this application needs to reflect current mineral planning application 2022/EIA/0100/LCC for the eastern extension of Old Cliffe Hill quarry which includes building a

new roadside footway on Cliffe Lane. Along with Footpath R100 and existing footways, the new footway section would create a complete pedestrian circuit around the Old Cliffe Hill quarry. As a result Footpath R100 could see increased use, meaning the vehicle access proposed for this site may need further work to ensure pedestrian safety.

The National Planning Policy Framework (NPPF) paragraphs 92c and 98 refer to the health and well-being benefits of safe and accessible green infrastructure providing opportunities for physical activity and encouraging walking etc. More specifically paragraph 100 states: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

To encourage the health and well-being of people working on the application site by taking walks during lunchtimes at least during the summer periods, the applicant should consider including a pedestrian path and gate allowing direct access from the site onto the footpath. The footpath is also the shortest pedestrian route from the site to Stanton under Bardon village and so there is a possibility of locals using the route to access employment. Both of these uses would be more likely if the footpath had a better surface and so the LHA is likely to request the Applicant contributes towards surface improvements such as laying a layer of crushed stone.

The LHA will provide further comments in respect of the footpath following the submission of a detailed site access drawing.

Closing

The LHA advises a significant amount of additional information is required to be submitted to the Local Planning Authority by the Applicant for further consideration by the LHA. Notably, but not limited to:

- Detailed drawings of the site access;
- Detailed drawings of the closure of the A511 access;
- All necessary supporting evidence in respect of site access arrangements including a RSA1, speed surveys and swept path analysis;
- Consideration of application 2022/EIA/0100/LCC in respect of the site access arrangements and also the public footpath;
- Potentially further consideration of PIC's;
- Further consideration of trip rates and trip distribution;
- Further consideration of capacity assessments as well as the Coalville Contribution Strategy;
- Consideration of how pedestrians would safely access bus stops in the area;
- Consideration of the impact of the proposals on highway trees; and
- Provision of a Travel Plan

Date Received
28 November 2023

Case Officer
Ben Dutton

Reviewer
DH

Date issued
19 December 2023