

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: 23/00900/FUL

Highway Reference Number: 2023/0900/04/H/R1

Application Address: Land West Of Mythe Farm Pinwall Lane Pinwall Atherstone Leicestershire
CV9 3PF

Application Type: Full

Description of Application:

Re-consultation. Creation of vehicular access (resubmission of 20/00434/FUL)

GENERAL DETAILS

Planning Case Officer: David Spring

Applicant: Mr & Mrs Joseph Garland

County Councillor: Bertie Harrison-Rushton

Parish: Sheepy

Road Classification: Class B

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) have been re-consulted on full application 23/00900/FUL which is for the creation of a vehicular access (resubmission of 20/00434/FUL). The proposals are on land West of Mythe Farm, Pinwall Lane, Pinwall, Leicestershire, CV9 3PF. The LHA previously responded to the Local Planning Authority (LPA) on 18 October 2023 requesting further information which included but may not be limited to:

- Vehicular visibility splay drawing for the existing field access;
- Vehicular visibility splay drawing for the proposed field access;
- Revised site location plan demonstrating a redline incorporating both existing and proposed accesses, required in order to condition the re-instatement of the existing access; and
- Speed survey if required.

Site Access

In response to the LHA's previous observations provided to the LPA on 18 October 2023 the Applicant has provided 'Existing & Proposed Access Visibility Splay Assessment', drawing number SA45988 BRY 0003. This demonstrates existing vehicular visibility splays of 24m by 59m to the southwest and 2.4m by 145m to the north. It also demonstrates proposed vehicular visibility splays of 24m by 160m in both directions from the proposed access.

The LHA can confirm the proposed vehicular visibility splay lengths of 2.4m by 160m are adequate for the recorded 85th percentile speeds held on record for the road, and accords with Table DG4 of Part 3 of the Leicestershire Highway Design Guide (LHDG), as such the LHA find these acceptable.

However, the Applicant has not yet provided a revised 'Site Location Plan', demonstrating both existing and proposed accesses within the redline. As highlighted within the LHA's observations provided to the LPA on 18 October 2023, this is required in order for a condition to be requested requiring the existing access to be re-instated.

The reasoning for the above is that given Atherstone Road is a classified B road with speeds in excess of 40mph and rural in nature, it is subject to Policy IN5 of Part 1 of the LHDG. Whilst this was raised whilst the LHA's previous observations Policy IN5 is replicated below:

'Policy IN5, 'Our access to the road network policy', is provided in the interests of highway safety and to maintain the free flow of traffic. The most relevant parts of the Policy are reproduced below:

Access to A- and B-class roads

1.26 We will normally apply restrictions on new accesses for vehicles and the increased use of existing accesses on:

- roads with a speed limit above 40 mph (that is 50mph, 60mph or 70mph) or where measured vehicle speeds are in excess of 40mph;*
- roads with a speed limit of 40mph or less which are essentially rural in nature;*
- routes where the access would affect bus-corridor or bus-priority measures being put in place;*
- roads that are at or near capacity (cannot carry more traffic); and*
- roads where there is an existing problem with road safety'.*

The LHA has concerns that if the existing access was to remain available, this would mean the proposals would be for a new access rather than a replacement, therefore becoming subject to Paragraph 1.26 of Policy IN5 of Part 1 of the LHDG.

Once the Applicant has provided a revised 'Site Location Plan', incorporating both existing and proposed accesses within the red line, the LHA will be in a position to provide final observations to the LPA.

Links

Part 1 of the LHDG -

https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2022/5/23/Part-1-introduction-interim_0.pdf

Part 3 of the LHDG -

<https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2022/3/18/Part-3-design-guidance-interim.pdf>

Date Received
3 November 2023

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
13 November 2023