

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: 24/00138/OUT

Highway Reference Number: 2024/0138/04/H

Application Address: Allotment Gardens Keats Lane Earl Shilton Leicestershire

Application Type: Outline (with access)

Description of Application:

Outline planning permission (access only) for the erection of a single dwelling (C3 self-build)

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mr A Green

County Councillor: Richard Allen

Parish: Earl Shilton

Road Classification: PRoW - Footpath

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).

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on an outline application for the erection of a single dwelling at Allotment Gardens, Keats Lane, Earl Shilton. Access is to be determined at this stage.

Site Access/ Highway Safety

The site would be accessed from High Tor East, which is a private road with access onto Keats Lane. Keats Lane is an adopted, unclassified road subject to a 30mph speed limit.

The proposed dwelling is located approximately 145m to the north of the junction of High Tor East/Keats Lane. Although the access onto Keats Lane is not in accordance with Leicestershire Highway Design Guide (LHDG) standards, the LHA have considered the below:

- High Tor East is a private road;
- The nature of Keats Lane, given it is narrow with prevalent on street car parking means speeds are likely to be lower than posted;
- Keats Lane and High Tor Lane are cul de sacs, meaning the number of trips using these lanes are likely to be lower; and
- There have been no recorded personal injury collisions within 200m of the junction of Keats Lane/High Tor East within the last five years.

The Applicant has not submitted a drawing which specifically provides details in respect of the site access arrangements. A red line boundary has, however, been provided which details that High Tor East falls within the Applicant's red line boundary between the site and Keats Lane. The submitted Planning, Design & Access Statement also details that parking would be provided within the site.

On the basis High Tor East is not adopted, the LHA do not consider it necessary to pursue a drawing that provides specific details in the respect of the access. Nevertheless, the LHA strongly advise that appropriate pedestrian and vehicular visibility splays should be provided at the access point on to High Tor East.

Given all of the above, the above the LHA would not seek to resist the application on the grounds of highway safety.

Internal Layout

The internal layout of the site is not for consideration at this stage. The LHA advise that an appropriate level of car parking would need to be demonstrated at reserved matters stage, should the proposals be granted planning permission by the LPA.

Public Rights of Way (PRoW) U27

The LHA notes Public Footpath U27 runs along High Tor East. The LHA do not consider that the proposals would affect the enjoyment of the PRoW. However, the Applicant should be mindful that vehicles and users of the PRoW might be required to share what is a narrow road. As such, the LHA would not resist the proposals, however the Applicant should be aware of the informatives below.

Informative

- Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- The Public Right 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 Rights 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
19 February 2024

Case Officer
Ben Dutton

Reviewer
DH

Date issued
11 March 2024