

**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

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

Application Type: Variation of Condition (s73)

Description of Application:

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.

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Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been 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 following the occupation of Units 1 and 2.

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:

The applicant has submitted a Technical Memorandum (TM) titled 'Dan's Lane/A47 junction Improvement Scheme Trigger Point Analysis' (dated 14 June 2023) in support of this Variation of Condition application. Within this TM the results of a junction capacity assessment (JCA) undertaken by the applicant (on Junctions 10 PICADY software) at Dan's Lane/A47 Hinckley Road junction is presented.

The LHA notes that the final paragraph of the submitted TM states that:

'[...] SLR proposes that the trigger point for Condition no. 35 is amended to allow Units 1 and 2 to be occupied prior to the scheme of mitigation being implemented, but which must be implemented by a date to be agreed between the Applicant and LCC. This Briefing Note has provided a strong evidence base to demonstrate that this would be acceptable in highways terms.'

As identified within the main text of the submitted TM and within Appendix 01 and 02 the applicant has sought and received pre-application advice from the LHA in relation to this matter. The LHA comments on the submitted TM and JCA below under various sub-headings.

Assessment Scenarios

The LHA notes that the applicant has undertaken an assessment of scenarios agreed with the LHA at the pre-application stage. These are for the hours of 07:15 – 08:15, 07: 45 – 08:45 and

16:30 – 17:30 and are for assessment years of:

- 2023 base year;
- 2028 base plus committed development and background traffic growth; and,
- 2028 base plus background traffic growth, committed development and Griffen Park Units 1 and 2 (with no reductions for Building 1).

This is as agreed with the LHA and is in accordance with Paragraph 1.29 of Part 7, Appendix C of the Leicestershire Highway Design Guide (LHDG available at <https://resources.leicestershire.gov.uk/lhdg>).

Table 8 of the submitted TM provides surveyed vehicle movements for the AM time periods 07:15 - 08:15 and 07:45 - 08:45 (which are both run within the impact assessment). A PM time period of 16:30 - 17:30 is adopted on the basis this is the evening peak hour which has the highest number of right turning vehicles from Dan's Lane (as agreed with the LHA).

The submitted TM then indicates that TEMPRO growth factors have been applied to the 2023 surveyed flows and presents 2028 base year flows within Table 9. The LHA would request 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 submitted TM identifies the committed development traffic flows assumed at the Dan's Lane/A47 junction in 2028 in Appendix 04. The LHA has reviewed Appendix 04 and advises that the committed growth assumptions are not agreed. This is because the LHA would require the following revisions:

- 14/01279/OUT Westfield Farm – The LHA would request that this assumption to 100% occupation by 2028; and,
- Desford residential sites have not been identified and (as requested within the appended LHA pre-application advice response within appendix 1 of the TM , highway reference number 2023/0130/04/P/HEN/R1) and this would be required to be identified and applied as committed background growth.

As such, the committed growth assumptions are not agreed with the LHA they are currently presented.

Trip Generation

When calculating the AM vehicle trip rates/generation presented in Table 1 and Table 3, presuming a 80% B8 and a 20% B2 quantum split as per the consented development (application reference 21/00619/FUL), the LHA found that Unit 1 results in 21 arrivals and 7 departures. Furthermore, the LHA found 17 arrivals for the total Unit 2. There is therefore a shortfall of 3 vehicle trips as presented in Table 3 of the submitted TM.

When calculating the PM vehicle trip rates/generation presented in Table 1 and Table 3 (presuming a 80% B8 and a 20% B2 quantum split as per the consented development application reference 21/00619/FUL) the LHA found that Unit 1 results in 6 arrivals and 18 departures. Furthermore, Unit 2 was found to result in 5 departures and 15 arrivals. There is therefore a shortfall of 6 vehicle trips as presented in Table 4 of the submitted TM.

As such the trip generation as presented within the TM is not agreed with the LHA. The LHA would therefore require that the applicant utilise the below 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

Trip Distribution

The approach undertaken to trip distribution within the submitted report is identified in Table 4 and is in accordance within Table 6-2 of the Transport Assessment that was submitted in support of the consented development. This is therefore acceptable to the LHA.

Trip Assignment

As covered above under the subtitle 'Trip Generation' there are errors in calculating the vehicle trip generation for Units 1 and 2. Notwithstanding this, the LHA has reviewed the trip assignment approach as presented within Tables 6 and 7. For ease of reference, the tables presenting vehicle trip generation and trip assignment through the Dan's Lane/A47 Junction within the Technical Memorandum are repeated below:

Table 3: Consented Griffen Park Trip Generation per Unit (AM Peak)

Unit (sq. m GFA)	Vehicle Type	B8		B2		Total	
		In	Out	In	Out	In	Out
1 11,896	Cars/ LGVs	7	1	7	1	14	2
	HGVs	6	4	0	0	6	4
	Total	13	5	7	1	20	6
2 9,632	Cars/ LGVs	6	1	6	1	12	1
	HGVs	4	3	0	0	4	3
	Total	10	4	6	1	16	5

Table 4: Consented Griffen Park Trip Generation per Unit (PM Peak)

Unit (sq. m GFA)	Vehicle Type	B8		B2		Total	
		In	Out	In	Out	In	Out
1 (11,896)	Cars/ LGVs	2	7	2	7	4	14
	HGVs	1	1	0	0	1	1
	Total	3	8	2	7	5	15
2 (9,632)	Cars/ LGVs	2	2	2	8	4	10
	HGVs	2	2	0	0	2	2
	Total	4	4	2	8	6	12

Table 6: Consented Griffen Park Vehicle Movements at the Dan's Lane/A47 Junction (AM peak)

Unit (sq. m GFA)	Arm	Cars/ LGVs		HGVs		Total	
		In	Out	In	Out	In	Out
1 (11,896)	A47 north	3	0	2	5	5	5
	A47 south	5	1	1	1	6	2
1 and 2 (21,528)	A47 north	6	0	5	3	10	3
	A47 south	10	2	5	5	15	7

Table 7: Consented Griffen Park Vehicle Movements at the Dan's Lane/A47 Junction (PM peak)

Unit (sq. m GFA)	Arm	Cars/ LGVs		HGVs		Total	
		In	Out	In	Out	In	Out
1 (11,896)	A47 north	1	2	0	0	1	2
	A47 south	1	8	0	0	1	8
1 and 2 (21,528)	A47 north	2	3	1	1	3	4
	A47 south	3	13	2	2	5	15

The LHA note there are discrepancies between the presented total vehicle trip generation and trip assignment. In calculating the total AM Peak two-way vehicle movements as presented in Table 3 this equates to a combined total (for Units 1 and 2) of 36 arrivals and 11 departures. However, the total vehicle movements presented in Table 6 this equates to a combined total (for Units 1 and 2) of 25 arrivals and 10 departures which thus presents a shortfall of 12 trips within the AM peak. In calculating the total PM Peak two-way vehicle movements as presented in Table 4 of the TM this equates to a combined total (for Units 1 and 2) of 11 arrivals and 27 departures. However, when calculating the total vehicle movements presented in Table 7 this equates to a total of 8 arrivals and 19 departures which thus presents a shortfall of 11 trips in the PM peak.

There is therefore an inconsistency in calculating the Trip Assignment from the vehicle Trip Generation identified within the submitted TM. Notwithstanding this, the vehicle trip generation identified within the submitted TM presents a shortfall of vehicle trips calculated.

The LHA would therefore require that the applicant revise the proposed vehicle trip generation and vehicle trip assignment in accordance with the above comments.

Junction Model

Outputs of the JCA undertaken are provided within appendix 06 of the submitted TM, however the actual model file has not been submitted in support of this application. The LHA would therefore request that this is submitted for review.

Junction Capacity Assessment

Notwithstanding the above comments the LHA has reviewed the impact assessment results as presented within tables 10 - 12 within the submitted TM and repeated overleaf for ease of reference:

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

As covered above, the submitted JCA committed growth assumptions are missing required committed growth assumptions being applied. Furthermore, the LHA has been unable to validate the TEMPRO background growth factors applied. As such, background growth is likely to be underrepresented. The submitted vehicle trip generation is also below the number of trips agreed for the assessment submitted in support of permission 21/00619/FUL.

Whilst the assessment submitted is under representative in terms of background growth assumptions and development vehicle trip generation, the LHA notes that the indicated Ratio to Flow Capacity (RFC) are in excess of the practical limit of capacity (above 0.85) within the 2028 committed development + development PM Peak assessment for the Dan's Lane to A47 southwest turning movement (0.99). Furthermore, the LHA also notes that the junction is in excess of the theoretical limit of capacity (above 1) for the within the 2028 committed development + development Dan's Lane to A47 in the 07:15 - 08:15 and 07:45 to 08:45 AM hours (1.37 and 1.24).

Other matters

The LHA notes that the submitted TM states that 'The Dan's Lane/A47 junction is currently being used by Griffen Park construction traffic (cars, LGVs and HGVs), with approximately 16 vehicle movements through this during the morning peak hour. This is only nine fewer than what would be associated with Units 1 and 2.' The LHA advises the applicant that construction traffic is not a material consideration within the planning process. Notwithstanding this, as covered above, the approved anticipated vehicle trip generation associated with application 21/00619/FUL, when calculated for units 1 and 2, presents 50 two-way vehicle movements.

The LHA notes that condition 5 attached to application 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 notes 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 is not acceptable to the LHA. This is on the basis that 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 results of the impact assessment as presented are of significant concern to the LHA in that an 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 are identified. 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 secure in planning. The LHA therefore objects to the Variation of Condition 35.

Date Received
6 December 2023

Case Officer
Perry Miller

Reviewer
SD

Date issued
22 December 2023