

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: 23/00711/FUL

Highway Reference Number: 2023/0711/04/H/R3

Application Address: The Blue Bell Inn 39 High Street Desford Leicester Leicestershire LE9 9JF

Application Type: Full

Description of Application:

Re-consultation. Change of use from cafe (Class E(b)) and residential (Class C3) to convenience foodstore (Class E(a)). Construction of two storey side extension, two-storey and single storey rear extensions (following the demolition of existing single-storey element to rear of 37 High Street/2A Main Street and store to rear of public house) with associated car parking, landscaping and other works

GENERAL DETAILS

Planning Case Officer: Matt Jedruch

Applicant: Mr Matthew Roe

County Councillor: Cllr Peter Bedford

Parish: Desford

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 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), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) previously advised within its observations dated 11th January 2024 that the following additional information should be submitted to the Local Planning Authority (LPA) for further consideration by the LHA:

- An updated site access drawing detailing kerbed radii instead of a dropped kerb arrangement, tactile paving at the junction and an uncontrolled pedestrian crossing point;

- An updated capacity assessment which includes Covid-19 uplift factors and committed development as well as a sensitivity test; and
- An updated CP&DMP to include the information on how parking for deliveries to the public house would be managed.

The Applicant has submitted a response note document, which was received by the LPA on 11th January 2024. This has subsequently been reviewed by the LHA.

Site Access

The Applicant has submitted ADL drawing number 5428-06, which details revised site access arrangements. Kerbed radii and tactile paving have been detailed on the drawing, along with a new uncontrolled pedestrian crossing point (tactile paving) across High Street. The LHA consider the site access proposals to be acceptable.

Trip Generation

The LHA previously advised that the Applicants trip rates were considered to be acceptable.

Junction Capacity Assessments

Previously, the LHA requested the Applicant apply Covid-19 uplift factors and committed development to the traffic counts, review traffic growth factors and undertake a sensitivity test of live developments.

The Applicant has now retrospectively applied for a survey permit (permit number 240116-0722700096-23361) and applied Covid-19 uplift factors to the baseline traffic data. It has been stated traffic flows were at 100% pre-Covid levels for the AM peak, therefore uplift factors were applied to the PM peak only.

The LHA consider the Applicant's TEMPro traffic growth factors, which uplift the baseline + Covid-19 traffic flows up to the future year of 2025 remain low. The LHA has subsequently compared those growth factors to the Hinckley & Bosworth 005 area. The increase in vehicle trips is minimal on each arm and below 30 two way trips. Given the results of the capacity assessment as detailed below, the LHA does not consider it necessary for a revised capacity assessment to be undertaken under the site specific circumstances.

The Applicant has also included traffic generated by application reference 22/01227/OUT (120 dwellings, Ashfield Farm, Kirkby Road, Desford), which has been allowed at appeal and Application 23/00061/OUT (100 dwellings, Land Adjacent To Lockey Farm Hunts Lane Desford) which is currently at appeal. These have been considered as part of 2025 Proposed Flows (with Committed Dev and Sensitivity Flows) scenario.

Ratio of Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to the capacity. Typically a value of 0.85 is seen as the practical capacity, with results higher than this more likely to experience queuing or delay.

As shown in Table 1 below, the RFC of the site access junction is not proposed to exceed 0.85 with the development in place in 2025 in the weekday AM and PM peak scenario, as well as the Saturday weekend peak. In addition queueing would be minimal at the junction. The LHA is therefore satisfied the site access junction will operate within capacity.

	2025 Total Scenario					
	Weekday AM Peak		Weekday PM Peak		Saturday Peak	
	RFC	Q	RFC	Q	RFC	Q
Site Access – Exit	0.09	0.1	0.12	0.1	0.09	0.1
B582 – Right in	0.04	0.0	0.10	0.2	0.06	0.1

Q: Number of Vehicles Queueing

RFC: Ratio of Flow

Table 1: PICADY Results: Site Access.

Internal Layout

The proposed internal layout remains as shown on Corporate Architecture Limited drawing number 5166/JP/21/005 Rev. P2, with 38 car parking spaces being proposed. The LHA previously advised the proposed parking arrangements were considered to be acceptable.

Car Park & Delivery Management Plan

The Applicant has now included details of the deliveries for the public house within the Car Park & Delivery Management Plan (Reference: ADL/AM/5428/26A, dated January 2024). This is considered acceptable to the LHA.

Conditions

1. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

2. No part of the development hereby permitted shall be occupied until such time as the access arrangements and off-site works (uncontrolled pedestrian crossing point on High Street) shown on ADL drawing number 5428-06 have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to mitigate the impact of the development in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

3. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres x 33 metres to the west and 2.4 metres x 43 metres to the east have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (December 2023).

4. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Corporate Architecture Limited drawing number 5166/JP/21/005 Rev. P2. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

5. Deliveries to/ from the site and car parking shall be undertaken in accordance with the Car Park & Delivery Management Plan (Reference: ADL/AM/5428/26A, dated January 2024).

REASON: To reduce the possibility of the proposed development leading to large vehicles loading, unloading and turning in the highway, in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

6. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use(s) in perpetuity.

REASON: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (December 2023).

7. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

8. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular accesses on High Street that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (December 2023).

9. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy

Framework (December 2023).

10. Notwithstanding the submitted plans, any new / replacement windows and/or doors within 0.5 metres of the Main Street/ High Street frontage / footway shall not open so to overhang the public highway and shall thereafter be maintained in perpetuity.

REASON: In the general interest of highway safety in accordance with the National Planning Policy Framework (December 2023).

11. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (December 2023).

Informative

- Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

Date Received
7 February 2024

Case Officer
Ben Dutton

Reviewer
DH

Date issued
4 March 2024