

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: 23/00667/FUL

Highway Reference Number: 2023/0667/04/H/R3

Application Address: The Old Rectory 8 Rectory Lane Market Bosworth Nuneaton Leicestershire CV13 0LS

Application Type: Full

Description of Application:

Re-consultation. Change of use of the Old Rectory from a dwellinghouse (Class C3) to a Specialist Education Needs (SEN) School (Class F1), erection of two single storey classrooms, a Multi-Use Gaming Area (MUGA), revised parking layout with electric charging points, widening of access, replacement perimeter fencing and external landscaping, works to trees and other works.

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mr R Litherland

County Councillor: Bertie Harrison-Rushton

Parish: Market Bosworth

Road Classification: Class C

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 111 of the National Planning Policy Framework (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 that additional information was required from the Applicant within its observations dated 11 October 2023. Notably, further details in respect of the site access design, including a kerbed junction radii, removal of the proposed Traffic Regulation Order (TRO) and details of pedestrian visibility.

The Applicant has subsequently submitted several revised drawings in respect of the site access arrangements with the view to resolving the LHA's outstanding comments.

Site Access

The LHA previously requested the proposed new waiting restrictions were removed from the plans, a kerbed radii was provided for the access design and that 2mx2m pedestrian visibility splays were shown. In addition, signing and lining to highlight the existing one way system on Rectory Lane was requested to be shown on the drawing.

The Applicant has submitted ttc drawing number 210777-01 Rev C which detailed a dropped kerb access arrangement along with one way signing and lining at the location of the site access. The proposed TRO has also been removed from the drawing. The LHA welcomes these amendments. Additional swept path analysis drawings have also been provided, which the LHA consider to be acceptable.

While 2mx2m pedestrian visibility splays have been shown on the drawing, these are shown fully within the highway as opposed to being measured from the back of the footway. The LHA has liaised with the Local Planning Authority in respect of whether the existing wall running alongside the junction radii both sides of the access could be demolished or relocated outside of the pedestrian visibility splays. It is understood however that this forms an important feature within the conservation area.

Based on this additional information above, the LHA considers that tactile paving on both sides of the junction along with the kerbed radii would be sufficient to alert pedestrians to the junction and that care needed to be taken when crossing. This is also considered to be a safer option than reverting to a dropped kerb arrangement, whereby pedestrians could continue along the footway without paying full attention to the access. In addition, the LHA consider that under the site specific circumstances, the access is likely to be used mostly during term time and the majority of pupils are likely to be transported to/ from the school in vehicles rather than walking based on the nature of the school and the Applicant's Transport Assessment.

The LHA advise that while tactile paving is not shown on the latest drawing, this could be included as part of the detailed design process.

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, 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 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 shall be occupied until such time as the offsite works (one way signing and lining) shown on ttc drawing number 210777-01 Rev C have 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 (2023).

3. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ttc drawing number 210777-01 Rev C 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, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

4. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres to the east of the access 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 (2023).

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Space Architecture & Design Ltd drawing number 23.009(9-)/001 Rev C. Thereafter the onsite parking (and turning) provision shall be kept available for such uses 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 (2023).

6. 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 vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

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 (2023).

7. 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 (2023).

8. 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 5 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 (2023).

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.
- 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).

Date Received
24 October 2023

Case Officer
Ben Dutton

Reviewer
DH

Date issued
9 November 2023