

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: 23/00311/FUL

Highway Reference Number: 2023/0311/04/H/R1

Application Address: Land Off Chapel Lane Witherley Atherstone Leicestershire CV9 3LR

Application Type: Full

Description of Application:

Re-consultation. Proposed construction of 5 detached dwellings with associated garages, parking provision, access and landscaping

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Cartwright Homes

County Councillor: Bertie Harrison-Rushton

Parish: Witherley

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:

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 application 23/00311/FUL which seeks the construction of 5 detached dwellings with associated garages, parking provision, access and landscaping. The proposed works are at Chapel Fields, Livery Stables, Chapel Lane, Witherley, Atherstone, Leicestershire, CV9 3LR.

The LHA previously responded to the Local Planning Authority (LPA) on 24 April 2023 requesting further information, this included but may not be limited to:

- Revised, consistent drawings
- Amended redline plan demonstrating access to the public highway Parish Hall car parking; and
- Parish Hall car parking details including delineation within the site.

Site Access

In response to the LHA's previous comments the Applicant has provided a further 'Transport Statement' authored by ADC Infrastructure Limited dated 14 July 2023. Contained within the documents are revised plans.

Plots 1 to 5

The LHA have reviewed plan 'Proposed Highway Works', drawing number ADC1306/008, Rev G and find all plots to accord to DG17 of Part 3 of the Leicestershire Highway Design Guide (LHDG) in terms of access width and pedestrian visibility.

The LHA are satisfied all plots accord with Table DG4 of Part 3 of the LHDG in terms of vehicular visibility splays.

The Applicant should consider access surfacing with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5m behind the private road boundary.

The Applicant should consider adequate drainage at the plot entrances. This is to ensure surface water does not drain into the private road in the interest of pedestrian and vehicle safety.

The Applicant is also proposing a 2m wide footway to the front of the site where it meets the private road. This would be welcomed by the LHA.

Parish Hall

Plan 'Proposed Highway Works', drawing number ADC1306/008, Rev G demonstrates an access width of 3.365m. The LHA would normally request an access width of 6m to ensure vehicles can pass within the access in accordance with Figure DG20 of Part 3 of the LHDG, which the LHA consider the most appropriate. However, given the access is onto a private road, adjacent to a 3.7m pinch point which would likely act as a speed reducing feature, the LHA would not seek any amendments in this instance.

The Applicant has demonstrated on Plan 'Proposed Highway Works', drawing number ADC1306/008, Rev G visibility splays of 2.4m by 43m to the east of the access, and 2.4m by 32m to the west. It should be noted that the western visibility splay has been drawn to the centre line, and not to a point 1m into the carriageway in accordance with Figure DG2a of Part 3 of the LHDG. The Applicant has stated within the 'Transport Statement' dated 14 July 2023:

'For eastbound movements, a 2.4 x 32.2m visibility splay is shown to the centre line of Chapel Lane. This is considered acceptable given it is unlikely overtaking manoeuvres would occur at this location due to the proposed narrowing feature in front of the Parish Hall which would only allow for one-way traffic.'

A 43m visibility splay is not possible due to the pinch point of the Parish Hall. A 32.2m visibility splay equates to a driver speed of 24.4mph. This is considered sufficient because of the proposed narrowing feature which would have the benefit of reducing drivers speeds as they will need to drive more cautiously in case of oncoming traffic. In addition, due to the proximity of the junction with Atterton Lane, drivers would have to reduce their speeds before turning onto Chapel Lane.

Hence, it is unlikely drivers would be travelling more than 24.4mph as they go past the Parish Hall. Therefore, a 32.2m visibility splay for eastbound movements is considered suitable.'

The LHA accept the Applicants methodology and find vehicular visibility splays of 2.4m by 43m to the east and 2.4m by 32m to the west of the access acceptable in these site specific circumstances.

Highway Safety

It should be noted that no personal injury collisions would be recorded at the site due to it being a private road.

Internal Layout

Plots 3 to 5

The LHA have reviewed the submitted information and find the proposals to be in accordance with Paragraphs 3.151 (Quantum), 3.165 (Dimensions) and 3.200 (Garages) for plots 3, 4 and 5.

Plots 1 and 2

Whilst plots 1 and 2 accord with Paragraphs 3.151 (Quantum) and 3.200 (Garages), it is noted in 'Proposed Highway Works', drawing number ADC1306/008, Rev G demonstrates car parking spaces as 3.365m wide. Paragraph 3.165 of Part 3 of the LHDG states that off-street car parking spaces should be 5.5m by 2.4m. If there are bounded by a wall, fence, hedge, line of trees or other similar obstructions on 1 side, 1m if bounded on both sides. As such, the off-street car parking spaces should ideally be 3.4m wide. However, given the difference is de minimis, and the spaces are onto a private road, the LHA would not seek any amendments in the site specific circumstances.

Garage Orientation - Plots 4 and 5

The LHA would normally seek to resist garages built parallel to the highway, however, as they access onto a private road the LHA would not seek any amendments.

Parish Hall

The Applicant has indicated that the land provided to the Parish Hall could be used as a car park, however, this would be for the Parish to decide. Given the small scale of the area, if utilised as a car park it could not be demonstrated the increase in vehicles would lead to highway capacity issues within the area.

Any extra car parking could also lead to less inconsiderate car parking in the area.

However, having reviewed all the information the LHA have concerns that if utilised as car parking, there appears to be no means of enclosure. As such, the LHA have concerns the proposed car park could have implications on Public Right of Way (PRoW) T28 which runs along the western side of the Parish Hall and links to Chapel Lane.

Whilst the LHA understand there is a desire line running through the field, this does not constitute the definitive legal line of the PRow which sets precedent in law. As such, the Applicant should provide a revised plan demonstrating boundary treatment in this area. There should be nothing planted or erected within 1m of the definitive line of the PRow.

For further information the Applicant should contact footpaths@leics.gov.uk.

Date Received
21 July 2023

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
28 July 2023