

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/R4

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) has been re-consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a full application for the 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.

The LHA previously advised no objection to the proposals on 4th March 2024. The LHA understands that the proposals were deferred at Planning Committee (May 2024), with the

committee seeking further advice in respect of traffic, the impact on neighbours, the location of the delivery bay and proximity to 2A, and proposed delivery times on Sundays and bank holidays.

The Applicant has subsequently submitted a Transport Note received by the LPA on 10th July 2024. This summarises the work undertaken by the Applicant prior to the LHA advising approval. In addition, a covering letter has been submitted (reference 900145.38) which details that in light of the concerns raised by Members, the delivery times for the proposed store have now been restricted to 08:00 – 18:00 hours Monday to Saturday, and 10:00 -16:00 hours on Sunday (as per Appendix A of the Update). No night time nor evening deliveries are proposed. The previously proposed delivery hours were 07:00 – 18:00, seven days per week. Given this, the Applicant would need to update their Car Park & Delivery Management Plan to reflect the new times. The LHA advised that an updated document could be conditioned.

The Applicant does not appear to have relocated the delivery bay and therefore the LHA has no further comments to make in respect of deliveries. The LHA's previous observations therefore remain in full. It should be noted however that the deliveries and traffic associated with the public house is considered to be an existing situation.

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 first used 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 first used 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 first used 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. Notwithstanding the submitted Car Park & Delivery Management Plan (Reference: ADL/AM/5428/26A, dated January 2024), prior to first use of the development hereby permitted, a revised Car Park & Delivery Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. Deliveries to/ from the site and car parking shall then be undertaken in accordance with the approved Car Park & Delivery Management Plan.

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 first used 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
10 July 2024

Case Officer
Ben Dutton

Reviewer
DH

Date issued
22 July 2024