Substantive response of the Local Highway Authority to a planning consultation received under The Development Management Order.

Leicestershire County Council

Response provided under the delegated authority of the Director of Environment & Transport**.**

APPLICATION DETAILS:

Planning Application Number: 23/00713/FUL

Highway Reference Number: 2023/0713/04/H/R1

Application Address: 10 The Hollow Earl Shilton Leicester Leicestershire LE9 7NA

Application Type: Full

Description of Application: Re-consultation. Proposed new apartment to include 4 self contained flats with associated amenity space and parking

---

GENERAL DETAILS

Planning Case Officer: Satbir Jandu

Applicant: Mr and Mrs Cassidy

County Councillor: Richard Allen

Parish: Earl Shilton

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

The Local Highway Authority (LHA) have been re-consulted by the Local Planning Authority (LPA) on application 23/00713/FUL for the erection of two studio apartments, one, one bedroom flat and one, two bedroom flat at 10, The Hollow, Earl Shilton.

The LHA note that the site is subject to approved planning application reference. 22/000789/FUL for first floor amendments to create two, one bedroom apartments. Application reference. 22/000789/FUL was approved subject to conditions 11 November 2022 with Condition 3 stating that three parking spaces are to be provided to serve the two apartments.

Trip Generation

Page 3 of Perfect Planning Design and Access Statement (created 2 May 2023) advises that the existing access is no longer available for customer use due to concerns regarding problem parking however it has not been stated when this change came into effect.

In contrast to the above, the Applicant, through the Highway Technical Note (TN) created by Roberts Highway Consultants (September 2023, Ref. RHC 23-213-01), has advised that currently two customers park in the parking area each hour during weekday open hours although limited evidence has been submitted to support this statement.

The TN states that the car park has a capacity of 15 vehicles however the LPA have advised the LHA that the parking area has extant permission for private (employee) parking along with two spaces for the use of customers visiting the florist at 8, The Hollow .

The TN equates that 36 two-way movements per weekday are generated by customers which, following the above LPA advice, the LHA assume represents two customers visiting the florists every hour with each requiring a parking space.

In addition, although not stated in the existing trip generation section it is evident (from the future trip generation section of the TN) that an additional six two-way movements are generated by employees at 8, 10 and 12 The Hollow.

Therefore, it is suggested that the site is currently subject to a total of 42 daily (weekday) two-way trips.

In support of the existing trip generation, Image 2 contained within the TN shows google imagery of the car park from 2015, 2018, 2020 and 2021 although it is not stated whether the images are taken on a weekday.

The LHA note that for the 2020 image (7 cars parked) and 2021 image (5 parked cars) that 3-4 of the vehicles appear to be the same vehicles in both images. The LHA therefore presume that these vehicles belong to employees which corresponds with the above statement regarding the number of vehicles belonging to visitors to the florist.

At no point do the afore mentioned images or Table 2 of the TN show the advised maximum of 15 vehicles being parked with the maximum parking accumulation being 8 parked cars in 2018.

Regarding proposed trip generation, the TN advises that four dwellings will generate 7 daily weekday two-way movements with a further 6 daily weekday two-way movements generated by employees of the commercial premises.

The proposed trip generation does not take into the two dwellings approved under application reference. 22/000789/FUL which could generate a further 4 daily weekday two-way movements. This results in a total proposed trip generation of 17 daily weekday two-way movements.

Based on the submitted data and extant permission as advised by the LPA, the LHA are satisfied that the proposals will result in a reduction of vehicle movements (17 compared to 42 daily weekday two-way movements) and therefore confirm that the proposed development does not represent an intensification of an existing access.

Site Access

The site is accessed via an undercroft between numbers 8 and 10 The Hollow which is an adopted, 'C' classified road subject to a 20mph speed limit. Double yellow lines immediately front

the access and then adjacent on either side are one hour limited parking bays (between 08:00hrs-18:00hrs, Monday-Saturday).

Perfect Planning drawing No. 487/002 Rev. C shows an access that is bounded on both sides and measures 4.5m in width whereas the TN advises that the access is approximately 3.7m wide and Roberts Highway Consultants drawing No. RHC-23-213-01 is labelled to state the access has a width of 4.8 metres.

The LHA are of the view that the access at the point where it meets the footway is 4.5m wide.

Taking into account approved application reference. 22/000789/FUL the site access is proposed to serve six dwellings and three commercial properties (staff access only).

Given that the access is bounded on either side, Part 3, Figure DG17 of the Leicestershire Highway Design Guide (LHDG) states that an access serving 6-25 dwellings should have an effective minimum width of 5.8m for a distance of 5m behind the highway boundary.

The LHA are also of the view that The Hollow generates significant pedestrian traffic and therefore it would be desirable for pedestrian visibility splays (contained within land under the Applicant's control) of 2m by 2m to be provided on either side of the access.

Drawing no. RHC-23-213-01 demonstrates the provision of visibility splays of 2.4m by 25m on either side of the access and it is acknowledge that the splays are not obstructed by vehicles parked in the parking bays.

It is noted that the afore mentioned drawing shows splays that terminate at the kerbline. Part 3, Figure DG2a of the LHDG shows that visibility should be measured to a point that is offset 1m from the kerbline (into the carriageway). The LHA are of the view that in this instance the splays may be obstructed by the parked cars.

It is evident that due to site limitations it is not possible to provide an access that allows two vehicles to pass and that the access is not in accordance with Part 3, Table DG17 of the LHDG. Whilst the provision of no pedestrian visibility splays is a concern in a town centre location the LHA acknowledge that this is an existing situation and that it has been demonstrated that the proposal will not result in an intensification of an existing access.

The LHA are of the view that the proposed development may still have a positive impact on highway safety even without the desired visibility due to the proposed change of use for the site. In addition to the reduced number of trips as a consequence of the change of use from public to residential/ employment use the vehicle owners who will use the access will be more familiar with its layout as it is the access to their home or workplace that they use daily as opposed to the current situation where users may only visit the florist sporadically.

The LHA advise that priority should be given to vehicles entering the site over vehicles wishing to egress the site and that signs should be placed in prominent positions within the site warning of the possibility of vehicles entering the site.

The LHA conclude that the access arrangements to serve the proposed development are acceptable.

The LHA consider it is necessary however for a Construction Management Plan to be submitted by the Applicant outlining how the development would be safely constructed, particularly due to the limitations of the site access.

Public Rights of Way

Public Footpath U87 runs adjacent to the proposed development. No pedestrian link from the site to Public Footpath U87 has been proposed.

Whilst the LHA are satisfied that the use and enjoyment of Public Footpath U87 will not be significantly affected any changes to the existing boundary treatment currently separating the application site from Public Footpath U87, must be approved by the LPA in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Highway Safety

There has been three recorded Personal Injury Collisions (PIC's) on The Hollow, High Street and Wood Street (collectively) in the previous five years. One of the PIC's was recorded as being 'slight' in severity, another recorded as 'serious' in severity and the third PIC regrettably resulted in a fatality.

Whilst concerns remain regarding the available pedestrian visibility splays the LHA acknowledge that none of the above PIC's occurred in the immediate vicinity of the proposed access and that (as discussed above) the proposed development may still have a positive impact on highway safety due to the changing nature of traffic utilising the access.

Therefore the LHA are satisfied that there are no patterns in the PIC data which could be exacerbated by the proposals.

Internal Layout

Drawing No. 487/002 Rev. C shows the provision of 11 off-street parking spaces with four of the spaces allocated to the proposed development.

The LHA confirm that the proposed parking provision is in accordance with Part 3, Paragraph 3.151 of the LHDG.

Of the remaining seven spaces, four are to be allocated as employee parking .The other three spaces are labelled as *additional parking* on the afore mentioned drawing. The LHA advise these spaces must be allocated to the dwellings approved under application reference. 22/000789/FUL.

The LHA advise that the dimensions of all of the parking spaces have been designed in accordance with Part 3, Paragraph 3.165 of the LHDG and that manoeuvring space has been provided so that vehicles can turn and approach the highway in a forward gear.

The LHA previously advised that the location of the refuse bin store exceeds the maximum 25m carry distance as stipulated in Part 3, Paragraph 3.196 of the LHDG and no change to the location has been proposed in the most recent submission.

The LHA advise that it is imperative that refuse bins are not placed on the public footway near the access as this would impede the passage of pedestrians and exacerbate the issue of the access having no pedestrian visibility splays.

The LHA welcome the inclusion of covered cycle parking provision within the proposals.

Conditions

1. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. 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 (2023).

2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Perfect Planning drawing number 487/002 Rev. C. Thereafter the onsite parking and turning provision shall be kept available for such use 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).

3. 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 in perpetuity.

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

4. Prior to construction, any changes to the existing boundary treatment currently separating the application site from Public Footpath U87, must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

REASON: In the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2023).

5. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of 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.

Informative

- Prior to construction, measures should be taken to ensure that users of Public Footpath U87 are not exposed to any elements of danger associated with construction works.

- Public Footpath U87 must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

- Public Footpath U87 must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

- If the developer requires Public Footpath U87 be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

- Any damage caused to the surface of Public Footpath U87, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

- No new gates, stiles, fences or other structures affecting Public Footpath U87, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

Date Received	Case Officer	Reviewer	Date issued
3 October 2023	**Simon Herbert**	**BD**	**24 October 2023**