

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: 24/00021/FUL

Highway Reference Number: 2024/0021/04/H

Application Address: Poplar Cottage Little Shaw Lane Markfield Leicestershire LE67 9PP

Application Type: Full

Description of Application:

Part change of use of site to retail to allow public access to the nursery and the provision of a car park

GENERAL DETAILS

Planning Case Officer: David Spring

Applicant: Mr Nathan Proud

County Councillor: Cllr Peter Bedford

Parish: Markfield

Road Classification: Class A

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 the residual cumulative impacts of the development are severe in accordance with the National Planning Policy Framework (December 2023) and the Local Planning Authority is advised to consider refusal on transport/highway grounds for the reasons outlined in this report.

- 1. This proposal, if permitted, would lead to an intensification of vehicular movements turning onto and off the A511 Shaw Lane, which is a busy high-speed dual carriageway, where the turning manoeuvres could be an additional source of danger to road users, which is not in the interests of highway safety, and is contrary to Policy IN5 of the Leicestershire Highway Design Guide and paragraphs 114 and 115 of the National Planning Policy Framework (December 2023).**

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) are in receipt of a consultation for a full application for the part change of use of site to retail to allow public access to the plant nursery (approved under 19/00623/FUL) along with the provision of a car park at Poplar Cottage, Little Shaw Lane, Markfield. The proposed internal floorspace of the area open to the public would be 350sqm.

The LHA is aware of previous applications at the site for similar proposals, including reference 22/01127/CONDIT to vary conditions 2 (approved drawings) and 6 (public access to the site) of application 19/00623/FUL. The LHA previously advised objection to the variation of conditions 2 and 6 within its observations dated 22nd December 2022. That application was however withdrawn and converted to a full application under reference 22/01127/FUL. The LHA subsequently advised refusal of that application on 4th September 2023 with an identical reason for refusal as per the above, albeit reflecting a now superseded version of the NPPF.

The LHA is also aware of other applications at the site, including 18/00272/FUL for a replacement access to a field and dwelling and 20/01363/FUL for a hay barn, greenhouse and water tank for horticultural use (part-retrospective). While the LHA advised no objection subject to conditions of both applications, this was on the basis that the new access would not result in an increase in traffic along with replacing a sub-standard access and that there was a minimal, if any, daily increase in use of the access as a result of the barn/ greenhouse.

The Applicant has submitted an Accompanying Highways Report dated 13th December 2023 and authored by Edwards & Edwards in support of the current proposals.

Site Access

Access to the site is proposed off Little Shaw Lane, an A classified dual carriageway (A511). The speed limit changes from 40mph to 50mph immediately to the west of the proposed site access.

The Applicant undertook a speed survey as part of an Automatic Traffic Count at the location of the site access between 17th and 23rd June 2023. The precise location of the survey and the raw survey data has not been provided, however the LHA has checked its records and can confirm a survey permit was issued for a survey in the eastbound carriageway immediately to the west of the access between 15th and 23rd June 2023. The Applicant states that the 85th percentile speeds for eastbound traffic were 50.3mph.

Details of the site access are proposed on David Granger drawing number 18.3558.04 Rev. D. The Applicant has stated that whilst not previously requested by the LHA, the Applicant has now agreed to provide increased (4.0m) junction radii at the site access. The proposed improvements have been accompanied by a Stage 1 Road Safety Audit and a Designer's Response.

The LHA consider that increasing the junction radii as shown would not be of any considerable highway benefit to the proposed development in order to resolve its concerns over an intensification of vehicular movements turning onto and off the A511 Shaw Lane, which is a busy high-speed dual carriageway.

Highway Safety

The Applicant has used Crashmap to consider Personal Injury Collisions (PIC's) within the vicinity of the site access for the five years up to the end of 2022. This identified that no PIC's have occurred at the site access during the study period, with PIC's only occurring at the roundabouts at each end of this section of the A511. While the LHA advise that the Applicant's data is considered to be out of date, based on the LHA's own records, the LHA are not aware of any additional PIC's occurring in the area during 2023.

Overall, two PICs have occurred between the A511 Saw Lane/ A511 Little Shaw Lane/ B591 Copt Oak Road/ Stanton Lane (Flying Horse) roundabout and M1 Junction 22 roundabout within the last five years. These were recorded as slight and occurred on the westbound carriageway in March 2020 and July 2022 which appear to be rear end shunt PIC's on the approach to the Flying Horse roundabout.

Trip Generation

Based on application 20/01363/FUL for the demolition of an existing hay barn, erection of a replacement hay barn and the erection of a greenhouse for horticulture at the site, the Applicant stated that use of the site would vary throughout the year, dependant on growing cycles. Some days the site would not be accessed at all, while other days, when the plants are ready, may result in the use of the access by between 6-10 journeys in total per day (to and from the site counting as a total of two journeys). Other works on the site would include potting up which would involve other staff, but these would be limited in number and period. Staff carrying out such duties would be from the Rothley site and the Applicant stated that they could travel together from there. It was also stated that working on site would mostly involve the client who lives in the adjacent cottage and that large vehicles would generally not visit the site.

In terms of the current application, the Applicant has provided the same information in respect of trip generation as per application 22/01127/FUL, which is based on till roll transactions for their existing site in Rothley.

The Applicant has advised from January to the end of March, the Rothley site generates an average of 5 – 10 cars an hour. From April to the end of June (which are stated to be the busiest months), there is an average of between 16 and 25 vehicles per hour. From July through to September the site generates up to 14 vehicles per hour, reducing down to around 9 per hour from October to December.

The Applicant advises however that a direct comparison between the sites cannot be drawn. This is because the site at Rothley is a little more like a 'Garden Centre' in that it sells a wider range of goods than will be sold at Poplar Cottage. Also the site at Rothley contains a very popular café. The café draws customers to that site and those customers can then also make purchases at the 'Garden Centre'. The Applicant considers that as a result, the number of visitors to the application site will be a lot lower than those to the Rothley site. The Applicant therefore expects that the number of cars visiting the site would be around half of those visiting Rothley. Therefore the predicted number of cars per hour would be between 5 an hour during the low seasons and 13 an hour during the busier months.

As part of the previous application, the LHA requested clarification as to whether the proposed levels of trips were inclusive of both arrivals and departures (two way trips), or whether they were one way trips. The Applicant subsequently confirmed there is an expectation of between five arrivals and five departures (10 two-way trips) per hour throughout the day during the low season and 13 arrivals and 13 departures (26 two way trips) per hour throughout the day during the busier

months. It was also confirmed by the Applicant that no additional HGV trips would be generated by the proposed development and that the proposals are purely to allow the public to visit the site. In addition, it was stated that it is very rare that a HGV would visit the site currently.

Noting that no comparison of the calculated traffic flows to a similar scale plant nursery has been made, based on the information provided by the Applicant alone, the LHA considers there could be between 80 - 208 two way trips per day (10 two way trips x 8 hours = 80 daily trips or 26 two way trips x 8 hours = 208 daily trips) between the opening hours of 10:00 - 18:00 (stated in the submitted application form) depending on the season. Within Paragraph 3.2 of the Applicants Highways Report it is accepted the proposals will result in an increase in the use of the access, however the Applicant considers there is no evidence the proposals could lead to an unacceptable impact on highway safety. This is due to a number of existing access points in the areas such as petrol stations and industrial units and no evidence of PIC injuries occurring.

The LHA consider the proposals could introduce a considerable number of additional turning manoeuvres to and from the A511 dual carriageway over and above the permitted use for the site. These manoeuvres would be on to a highly trafficked part of the network, currently with minimal access points and where drivers are accelerating away from the Flying Horse roundabout towards Junction 22 of the M1. As such, the LHA consider an intensification in use of the existing access could be of detriment to highway safety, contrary to paragraphs 114 and 115 of NPPF, as well as Part 1 Section IN5 of the Leicestershire Highway Design Guide (LHDG), which can be found at resources.leicestershire.gov.uk/lhdg.

Policy IN5

Part 1, Section IN5, Paragraph 1.26 of the Interim Leicestershire Highway Design Guide states: *We will normally apply restrictions on new accesses for vehicles and the increased use of existing accesses on:*

- *roads with a speed limit above 40 mph (that is 50mph, 60mph or 70mph) or where measured vehicle speeds are in excess of 40mph;*
- *roads with a speed limit of 40mph or less which are essentially rural in nature;*
- *routes where the access would affect bus-corridor or bus-priority measures being put in place;*
- *roads that are at or near capacity (cannot carry more traffic); and*
- *roads where there is an existing problem with road safety*

The A511 is part of LCC's resilient road network. It is considered essential for economic activity and for key services in the event of extreme weather events, major incidents and other disruption. It forms a key route linking North West Leicestershire, including Coalville and Ashby de la Zouch with the A42, M1 and Leicester city.

Further, the A511/ A50 between the county boundaries with Derbyshire and Leicester City forms part of the Major Road Network (MRN), which forms a middle tier of the country's busiest and most economically important local authority 'A' roads, sitting between the national Strategic Road Network (SRN) and the rest of the local road network.

Leicestershire County Council holds traffic count data at the Flying Horse roundabout, which indicates on Wednesday 6 October 2021 there were 13,989 vehicles travelling along the eastbound carriageway past the site access between the hours of 07:00 – 19:00. This indicates that the road is a highly trafficked part of the road network. The LHA is also aware of capacity issues at the Flying Horse roundabout, partly due to the increase in traffic using the route as a result of a number of major residential/ employment developments which are coming forward in the

surrounding area. Those permitted have been required to contribute towards the Coalville Transport Strategy in order to mitigate the otherwise severe highway impact of the specific development, where considered appropriate by the LHA. This aims to deliver improvements to key junctions in the area including the Flying Horse roundabout.

The Applicant considers that while recorded speeds are in excess of 40mph at the location of the site access, they would be 'well below 40mph' at the roundabout junction to the west and at the start of the visibility splay envelope and if policy IN5 was considered at that point, the proposals would not be contrary to policy. Furthermore, the Applicant has highlighted North West Leicestershire District Council (NWLDC) application reference 18/01890/OUT for an industrial development which was accessed directly off the A511 approximately 1.5 miles from this application site. It is stated that the access to that development has now been constructed with visibility splays 'far less' than those available at this application site and with development flows of 100 vehicles in the peak hour. The Applicant has quoted part of the LHA's response to that application which states 'the criteria set out in Policy IN5 was not formed as conduit to resist development, rather as a context in which to ensure that the appropriate levels of care and attention to maintain traffic flow and safety.' It is also highlighted that a central island was installed at the access to prevent right turns and address the LHA's concerns in respect of Policy IN5 and that the available visibility splays are shorter than those available at Poplar Cottage.

NWLDC application 23/00129/FULM at Molehill Farm, Kegworth for the change of use of agricultural land to a motorcross training park has also been identified by the Applicant. Access to that development is proposed off the A6 and the Applicant highlights the LHA suggested that measures to physically prevent right turns may be sufficient to counter-balance highway safety concerns.

The Applicant suggests that the main concern for the LHA in both instances appears to be right turning traffic, however in the case of Polar Cottage this is already not possible. The Applicant considers the proposals would have been 'waived' on a site at the A6 and in addition the proposed development would not generate considerable numbers of HGVs unlike the recent development further down the A511.

The LHA advises that the location of both the above developments, on a single lane section of the A511 and the A6 are not comparable to that of the proposed development, which is situated on a dual carriageway on approach to Junction 22 of the M1.

In the case of the development on the A511, recorded 85th percentile speeds were 44.1mph westbound and 39.4mph eastbound at the site access. The LHA is also aware that access was only taken from the A511 due to environmental and flooding constraints preventing access off the C classified Reg's Way and that appropriate vehicular visibility splays were secured as part of that application. The Officers Report for that development dated 17 March 2020 also states that the proposals would meet an immediate demand for B1c/B2 and small scale employment uses in the area.

Given the above, the LHA considers that if the proposed development would intensify the use of the access then it would be contrary to Policy IN5, increasing the risk to road users of vehicular movements turning onto and off the busy high-speed dual carriageway.

Internal Layout

The internal layout of the site is detailed on David Granger drawing number 18.3558.04 Rev. D. This details 20 car parking spaces within the site. Based on the information available from the Applicant, it would appear that sufficient parking provision is proposed within the site.

Whilst not submitted as part of the current application, swept path analysis of an HGV turning within the site was provided by the Applicant as part of the previous application using an identical layout drawing (Edwards and Edwards drawing number 001), which is accepted by the LHA.

Transport Sustainability

The site is located an approximate 200m from bus stops served by half hourly bus services between Leicester and Swadlincote/ Coalville, which may be of benefit for staff in particular. Given the location of the site however, which is detached from any particular settlement, the LHA considers customers are more likely to drive to the site.

Date Received
15 January 2024

Case Officer
Ben Dutton

Reviewer
AW

Date issued
27 February 2024