

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: 23/00767/FUL

Highway Reference Number: 2023/0767/04/H

Application Address: Barrow Hill Quarry Mill Lane Earl Shilton Leicester Leicestershire LE9 7AW

Application Type: Full

Description of Application:

Construction of 36 residential holiday lodges and a management building with associated vehicular access, parking, surface water balancing and landscaping (revised scheme of application reference 21/01390/FUL)

GENERAL DETAILS

Planning Case Officer: Alex Jelley

Applicant: Mr Adam Taylor

County Councillor: Richard Allen

Parish: Earl Shilton

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 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 (2021), 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 consulted on a full application for the construction of 36 residential holiday lodges and a management building with associated vehicular access, parking, surface water balancing and landscaping at Barrow Hill Quarry Mill Lane Earl Shilton. The LHA note this is a revised scheme of application reference 21/01390/FUL which was for 21 holiday lodges. That application was granted planning permission subject to planning conditions by the Local Planning Authority on 11 April 2023. The LHA advised no objection to the 2021 application subject to conditions on 21 March 2023.

The Applicant has submitted a Highway Impact Statement dated July 2023 and authored by Bancroft Consulting in support of the current proposals.

Site Access

The Applicant has stated that there would be no changes to the site access proposals accepted by the LHA as part of the previous application. The site access drawing has however been amended to reflect the amended site layout, as shown in Bancroft Consultancy drawing number F21116/01 Rev. C. The LHA has no objection to the proposed access arrangements.

As advised as part of the previous application, it appears that the access would be located outside the extents of the public highway. While not a material planning consideration, the Applicant would need to ensure that they have a legal right of access to the site as a section of the access road connecting to the highway does not appear to fall within the red line boundary.

Highway Safety

The Applicant has not undertaken an up to date assessment of Personal Injury Collisions (PIC's) in the area. Based on available records to the LHA, there has been one PIC at the junction of Mill Lane with Clickers Way (A47) within the last five years, which occurred in December 2018. This was recorded as serious and involved collision between two vehicles at the junction. This is the same PIC identified as the Applicant as part of the previous application. No PIC's have occurred along Mill Lane.

On the basis no additional PIC's have occurred since the previous application, the LHA advises that no further consideration of PIC's is required by the Applicant. The LHA considers that the proposals are unlikely to exacerbate any existing road safety concerns.

Trip Generation

The Applicant has undertaken the same trip rate analysis using the same TRICs trip rates as per the previous application for 21 holiday lodges. This has indicated that the proposed 36 holiday lodges could generate the following number of trips:

Weekday (36-holiday lodges)

• Morning peak (0800 to 0900 hours)	2 arrive	2 depart	4 total
• Evening peak (1700 to 1800 hours)	7 arrive	7 depart	14 total
• Daily (0700 to 2200 hours)	67 arrive	51 depart	118 total

Weekend (36-holiday lodges)

• Morning peak (0800 to 0900 hours)	2 arrive	2 depart	4 total
• Evening peak (1700 to 1800 hours)	3 arrive	3 depart	6 total
• Daily (0700 to 2100 hours)	38 arrive	34 depart	72 total

The LHA has calculated that the additional 15 holiday lodges would generate the following approximate level of trips over and above the level that consented 21 holiday lodges was predicted to generate:

<u>Weekday</u>	Arrivals	Departures	Total
Morning peak	1	1	2
Evening peak	3	3	6
Daily	28	21	49
 <u>Weekend</u>			
Morning peak	1	1	2
Evening peak	1	1	2
Daily	16	14	30

Overall, the LHA advises that it could not demonstrate that the additional trips would result in a severe impact on the highway network, subject to the off-site works detailed below.

Off-Site Implications

As part of the previous application, the LHA advised that it had concerns the proposals could introduce highway safety issues, such as conflicts between Non Motorised Users (NMU's) and vehicles or between vehicles due to the narrow width of Mill Lane and lack of passing places. It was considered that drivers may have to reverse over considerable distances should they come in to conflict with each other.

It was also advised that Mill Lane is in a poor condition at a number of points along its length and that Leicestershire County Council only maintained the route for its current level of use, which was considered to be minimal, if any, daily traffic. It was advised that the proposals would introduce a new destination at the end of Mill Lane which could generate regular vehicle trips along the road throughout the day on a permanent basis. Given the nature of the proposals and the location of the site, it was considered these trips were also more likely to be car trips made by visitors who could be unfamiliar to the area. The LHA also stated cars are typically less able to travel along such terrain in comparison to farm vehicles which may use the route at present for example.

The Applicant subsequently proposed a scheme of mitigation along Mill Lane, which included passing places, and confirmed that they would be willing to undertake re-surfacing to Mill Lane.

The Applicant has confirmed that they still intend to provide the scheme of mitigation and re-surface Mill Lane as part of the current proposals. It has been highlighted by the Applicant that the LHA previously conditioned Axis Drawing Number 1866-01-05 Revision A, however Bancroft Consulting drawing number F21116/05 has also been provided, which reflects both the passing places, as well as a commitment to resurfacing the carriageway.

Internal Layout

The LHA has reviewed BHC drawing number 5002 which details the internal layout of the proposed development. The LHA consider there to be sufficient parking and turning facilities within the site.

Public Rights of Way

Public Footpaths T88 and U106 run adjacent to the proposed development, and Public Bridleway U107 runs along the proposed access track to the proposed development. The proposed off-site works should help to limit conflict between vehicles accessing the development along Mill Lane and U107 and pedestrians, cyclists and horse riders. Access should preferably not be allowed along the bridleway from the Yennards. The LHA advised as part of the previous application that

the gate to prevent unauthorised vehicular access beyond the existing site access would need to be relocated and advised this as a condition.

Transport Sustainability

The LHA advise that the site is located in a remote, rural area and detached from any built up area with provisions such as shops, restaurants or public houses a considerable distance away. In addition, Mill Lane is also not street lit. The proposals are therefore not considered to be in a sustainable location in terms of transport sustainability in the view of the LHA, and this could lead to an increased use of private cars to access the site and surrounding amenities. It is however acknowledged that part of the appeal and purpose of the holiday lodges could be that they are in a rural, remote area. In addition, kitchen facilities would be provided within the lodges, which would mean guests are not reliant on travelling off-site for meals.

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 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. Prior to commencement of development, further details of access road reconstruction and surfacing, to include a bituminous road base, binder and surface course construction dependent on ground investigation and CBR readings, shall be submitted to and approved in writing by the Local Planning Authority. The improvements to the access road, for the full length from the A47 junction to the access to the development, shall then be implemented in accordance with the approved carriageway reconstruction and surfacing details and in accordance with the passing places shown on Bancroft Consulting drawing number F21116/05 prior to first occupation of the development.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

3. No part of the development hereby permitted shall be first used until such time as the access arrangements shown on Bancroft Consultancy drawing number F21116/01 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 (2021).

4. No part of the development hereby permitted shall be first used until such time as vehicular visibility splays of 2.4 x 43 metres 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 (2021).

5. The development hereby permitted shall not be first used until such time as the parking (and turning facilities) have been implemented in accordance with BHC drawing number 5002. 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 (2021).

6. No part of the development hereby permitted shall be first used until such time as the existing gate to prevent unauthorised vehicular access to The Yennards has been relocated to the east of the proposed development access, as detailed within the Applicants Technical Note dated April 2022.

REASON: In the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

7. Prior to construction, any changes to the existing boundary treatment currently separating the application site from the Public Rights of Way U106 and U107, 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 (2021).

8. No trees or shrubs should be planted within 1 metre of the edge of Public Rights of Way U106 and U107. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.

Reason: to prevent overgrowth in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

Informative

The following notes should be drawn to the applicant's attention:

- 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>
- The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk
- Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
- The Public Right of Way 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.
- The Public Right of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- If the developer requires a Right of Way to 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 a Public Right of Way, 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 a Public Right of Way, 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
15 August 2023

Case Officer
Ben Dutton

Reviewer
DH

Date issued
30 August 2023