

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 Numbers: 23/00432/OUT & 22/00318/OUT

Application Address: Land North Of A47 Normandy Way And East Of Stoke Road Hinckley
Leicestershire

Application Type: Outline (with access)

Description of Application:

Re-consultation. Outline planning application for the erection of up to 475 dwellings, including public open space, land reserved for a primary school together with future expansion land (Use Class F1(a)), drainage, landscaping and associated infrastructure.

GENERAL DETAILS

Planning Case Officer: Alex Jelley

Applicant: Richborough Estates And Mr & Mrs Adcock

County Councillor: Cllr David Bill MBE

Parish:

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, 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

Background

The Local Highway Authority (LHA) is in receipt of a consultation on an outline planning application proposing the erection of up to 475 dwellings, including public open space, land reserved for a primary school together with future expansion land on land east of Stoke Road, Hinckley. The LHA understand that this application is a resubmission of application reference 22/00318/OUT which, following appeal on non-determination, was refused by Hinckley & Bosworth Borough Council (2nd May 2023) for the following reasons:

1) The Applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development and the proposal, if permitted, could consequently result in an

unacceptable form of development and could lead to dangers for highway users contrary to paragraph 110 and 111 of the National Planning Policy Framework (2021).

2) The Applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated, contrary to paragraph 110 and 111 of the National Planning Policy Framework (2021).

3) The applicant has not entered into a signed Section 106 agreement for the delivery of Affordable Housing, Public Open Space and other identified financial contributions. As such the application is considered contrary to Policy DM3 of the Site Allocations and Development Management Policies Development Plan Document and Policy 19 of the Core Strategy.

Following determination, the LHA has continued to work proactively with the applicant team on reasons 1 and 2 including over a number of design iterations and additional submissions to address the previously missing assessment work and mitigation strategy. This work has led to resolution of the outstanding highway issues associated with the development proposals and therefore has enabled a positive position to be reached whereby the LHA would advise no objection subject to inclusion of the conditions and contributions outlined below. This updated position and advice is relevant to both 23/00432/OUT and 22/00318/OUT applications.

Site Access

Vehicular access

A single point of vehicular access is proposed from Stoke Road comprising a new three arm roundabout junction as shown in **drawing number T19595 001 Rev G**. The design has been subject to a stage 1 Road Safety Audit (RSA1) and full design check. The LHA is content that the geometrical configuration complies with DMRB CD116 and that the following design comments could be dealt with at the s278 detailed design stage:

- It is proposed to extend the existing stepped cycleway/footway provision that currently terminates on Stoke Road to continue to the new access roundabout. A width of 3.5m has been shown and the Transport Assessment (TA) document (paras 4.4 to 4.9) clarifies how the proposals would comply with LTN1/20. The applicant has advised that due to land ownership constraints and the existing ditch, the buffer strip cannot be accommodated over a 35m length to the shared provision linking A47/Stoke Road roundabout with the proposed Toucan crossing. This is noted, but consideration should be given by the designer to maintaining the buffer strip but with a reduced width of shared provision, for which the designer would be required to provide design safety risk assessment for their proposal.
- The drawing indicates that the existing hedgerow will need to be removed for the proposed roundabout, and consultation will need to be undertaken with relevant teams regarding this at the detailed design stage.
- The new roundabout will require an effective highway drainage provision, and a detailed drainage design and drainage assessment will be required for approval as part of the s278 agreement. The developer will be required to survey the existing drainage so as to identify suitable drainage to connect into, and consideration will need to be given to permit requirements from Environment Agency and Lead Local Flood Authority for any impact upon existing outfalls or new outfall proposals.

- The new roundabout would require street lighting provision. The LHA notes that this was also raised in the RSA1.

- It is noted that on the southern arm of the roundabout, the pedestrian dropped crossing appears to be narrower than the dropped crossings provided to the other arms, this should be consistent across the junction as a whole.

Pedestrian and Cycle access

As part of the site access proposals, the existing footway/cycleways on both sides of Stoke Road are proposed to be extended to the site access and along the central spine road that links through the site. Crossing facilities in the form of dropped kerb crossings with tactile paving will be provided at the site access roundabout.

In order to facilitate crossing of the A47, two Toucan crossings are proposed. The first of these is proposed approximately 90m west of Clover Field and aligns with the existing PRow T60 which passes through the site. The applicant intends to improve the PRow link between the site and the A47 and so a condition is advised below to secure this and enable relevant details and timescales to be provided. The proposed crossing is shown in **Drawing T19595.002 rev E** and is subject to a separate condition below.

The second Toucan crossing would be located between Corn Field and Nelson Drive. This would also connect to the existing footway/cycleway infrastructure on the southern side of the A47. The proposed crossing is shown on **Drawing T19595.006**. Both crossings have been subject to an RSA1 and issues accepted where raised. In both instances this concerned the provision of pedestrian guard railing which is identified to be considered further at the detailed design stage. The LHA is content that sufficient highway is available to facilitate this.

The LHA has undertaken a thorough assessment of the additional demand and demographic data provided by the development team to quantify the proposed crossing demand and justify the crossing provision in accordance with the relevant design criteria. The LHA are content that the justification is appropriate and the proposed infrastructure will positively encourage walking and cycling movements. The LHA also note this provision is consistent with recent infrastructure provided further south along the A47 corridor to residential development located on the west side of the A47.

It is also proposed to improve the existing footway provision along the western side of Stoke Road between the proposed site access and Stoke Golding, a distance of around 2km. This route facilitates pedestrian movements between Stoke Golding and Hinckley and by way of example is utilised by pedestrians accessing St Martin's Catholic Voluntary Academy from Hinckley. The improvements involve widening the existing footway provision to 2.0m in width for the majority of the route where possible. The proposed footway improvements are indicated in **Drawings T19595.014 to 017**. No RSA1 has yet been undertaken for this scheme and therefore a suitably worded condition is advised below to enable this necessary further assessment to be undertaken and the scheme amended accordingly prior to implementation.

Highway Safety

In order to assess the existing Personal Injury Collision (PIC) record the applicant has obtained collision data for the most recently available six year period. The LHA has reviewed the information and assessment undertaken and finds no reason to disagree with the applicant's conclusion that there would not appear to be any existing cluster or specific existing highway safety issues within the study area which could be exacerbated by the development proposals.

Off-Site Implications

The cumulative impact of the development on the local highway network has been assessed using LCC's Pan Regional Transport Model (PRTM), National Highways' (NH) approved VISSIM model and standalone junction modelling. The LHA, along with relevant stakeholders such as NH, have been engaged throughout this process to agree inputs, scope of assessment and comment on the impacts and emerging mitigation strategy.

With regard to the local highway network the applicant team have proposed the following schemes of offsite highway mitigation to mitigate the otherwise severe development impact:

A47/Stoke Road roundabout
A47/A447 signal junction
A5 Dodwells roundabout

The above schemes have been reviewed including a submitted RSA1, and are considered acceptable to be secured by the planning conditions advised in these observations. The LHA would however make the following comments on each scheme which will need to be addressed through the future s278 detailed design process:

A47/Stoke Road roundabout junction improvement

The A47/Stoke Road roundabout junction is predicted to operate beyond theoretical capacity in the future year scenarios. Once development traffic is added to the junction, queues and delays are predicted to increase, particularly on both A47 arms. The improvement scheme proposed indicates that it is proposed to widen the exits on the A47 arms to enable a two-lane exit, with traffic then required to merge after exiting the roundabout. By widening the exit arms to allow two vehicles to exit at once the lane designations can be changed to allow two straight ahead lanes on the A47 approaches which provides a significant capacity benefit and mitigates the severe development impact at this junction.

- Forward visibility of 90m is shown to the proposed signals which would be appropriate for a design speed of 60kph at this location. Visibility to the signals would need to be unobstructed and this would require the relocation of traffic signs and lighting columns that are present within the verge. There is also concern that for a vehicle in the right-hand lane passing a slow moving HGV, visibility of the signals would be obscured. A further visibility check should be undertaken for this scenario. Consideration may need to be given to the provision of additional high level signal heads.

- It was previously identified that existing stepped cycleway/footway provision is present to the roundabout, and it is proposed to improve this by providing an uncontrolled crossing to the northern arm of the existing roundabout (as per RSA problem 4.1). Opportunity should be taken to improve all cycleway/footway provision to comply with LTN1/20 guidance and LHDG requirements.

Improvements to footway/cycleway crossings to all arms of the roundabout is indicated on the drawing and this is welcomed.

- The existing cycleway/footway to the north-east of the roundabout will be extended along the A47 eastwards to the proposed toucan crossing located approximately 100m from the roundabout. The proposed width of the shared provision has been shown with a 3.0m width plus 0.5m buffer strip apart from a 35m length as referred to above. As above consideration should be given by the designer to maintaining the buffer strip but with a reduced width of shared provision, for which the designer would be required to provide design safety risk assessment for their proposal.

- Forward visibility of 120m is shown to the proposed signal heads which would be appropriate for a design speed of 70kph. The 85th percentile speed measurements of 39.0mph eastbound and 39.8mph westbound indicates that this would be acceptable.

- A footway/cycleway provision is present to the south side of the A47, and tactile and corduroy paving would need to be provided to warn locations of shared usage for pedestrians and cyclists. This would need to be in accordance with latest DfT Guidance on the use of tactile paving.

A47/Ashby Road traffic signal junction improvement

The drawing indicates alterations to the existing signalised crossroads junction so as to provide an additional lane on the Ashby Road northbound approach to the junction. The proposed layout would also provide two lanes for the straight-ahead traffic on the Normandy Way westbound approach to the junction, which currently has only one lane available. The layout revisions would also provide controlled crossing provision for pedestrians whereas currently this is uncontrolled.

On the basis the proposed scheme would present a nil-detriment solution for development trips the submitted scheme can be secured via condition for delivery. However, the LHA is aware of the potential for a preferred scheme to accommodate the wider growth in the area at this location on the network. The condition below is therefore worded to provide flexibility at the relevant time to either provide the proposed works or provide financial payment in lieu of these toward a preferred scheme in discharging the condition at the relevant time.

Dodwells Roundabout approach lane widening

The A5 Dodwells assessment identifies some moderate increases in delay and queuing as a result of the development traffic being added to the highway network. A scheme has therefore been identified which involves increasing the flare on the A47 Dodwells roundabout approach. This increases the storage available for two cars to stack side by side at the stop line. The proposed scheme is presented on Drawing T19595.013.

Given this scheme is proposed to address the highway impact on the strategic road network under the jurisdiction of NH the LHA would advise that its impact and inclusion be considered as part of NH's review and assessment of the development proposals. The LHA understand that NH's consideration of the pending application is ongoing and the LHA has therefore not advised a condition for these works and respectfully refers to NH with regard to development impact at the Longshoot Dodwells junction.

Transport Sustainability

Public Transport

There are currently a number of bus services operating within close proximity of the site and therefore no additional provision is sought. However, the recommended walking distance for residents of new developments to services is 400m. Based on the current bus network, residents would need to walk in excess of this distance in order to access services. It is therefore suggested that the developer fund the installation of a pair of new stops at a suitable location on Stoke Road to the north of the A47 Normandy Way and a pair at a suitable location on A47 Normandy Way to the east of the roundabout with Stoke Road. The latter will offer an incentive for bus operators to consider routing buses along the A47 to capitalize on potential passenger growth from the site.

Stops should consist of hardstanding, pole and flag, timetable case, shelter, raised kerb and provision of digital information. A suitably worded condition is advised to secure their provision.

Public Rights of Way

Footpath T60 crosses the site, the proposed improvement to the pedestrian crossing of Normandy Way is welcomed in principle as discussed above and it is noted that the applicant is committed to improving this link between the application site and the A47.

Whilst the submitted masterplan is indicative at this stage the pedestrian paths on the plan are located several metres further to the west of the definitive map line. This type of arrangement can lead to the legal alignment of the PRow being neglected or unlawfully obstructed creating enforcement issues for the LHA and on-going maintenance issues for the land manager. This can be considered further as part of detailed layout development for a subsequent reserved matters application given the current application considers only access in detail.

Current Government guidance in Defra Circular 1/09 para 7.8 is that “preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic”. This is restated in the adopted LCC guidance notes ‘Development and public rights of way’ paragraph 14. The made-up path does not need to be on the existing legal alignment of the Footpath, but it should be a condition that the right of way is legally diverted to ensure the constructed paths and legal alignments of the public rights of way coincide.

Residents of the new development will increase the recreational use northwards on Footpath T60 and accordingly an all-weather bituminous surface is required to be provided as far as the site boundary. To provide for increased use beyond the site boundary improvements to Footpath T60 north to Rogue’s Lane and on to where it meets the Leicestershire Round long-distance trail near Stoke Golding could be provided along the lines endorsed by the Hinckley and Bosworth Green Infrastructure Strategy. The LHA does however welcome the Stoke Road footway provision proposed and would not therefore consider it a reasonable request to obligate further PRow improvements north to Stoke Golding.

Travel Plan

Whilst consideration has been given to the existing transport options available to the site, the travel plan (TP) does not sufficiently set out a detailed plan of action for how the reduction in peak hour car trips will be achieved. Therefore, the LHA is unable to approve the TP at this stage. The LHA

sets out comments below for the applicant to consider and a suitably worded condition is advised to enable the further work to be undertaken prior to agreement of the TP.

- The expansion of the site is noted however no confirmation of how the school TP and any future development will be managed/integrated with this travel plan is provided.

- Although the centre of the site is within 610m of a bus stop, what is the distance from the furthest site, and will this still be within 800m of a regular bus service?

- Given the number of dwellings on site, the LHA would expect to see a higher target set to reduce single car occupancy. The LHA would expect a minimum of a 10% reduction over the 5 year monitoring period of the TP and expects that NH may also comment in this regard. If so then the TP may also need to be revised to take into account any comments made by NH.

- The action plan detailed in table 4 does not provide adequate information on what initiatives and incentives will be provided to residents.

- It is unclear how the initiatives will be promoted. Although information provision is key, the TP also needs to be supported through physical measures and input. The applicant needs to consider what measures they will put in place within the first 12 months of the travel plan which would not only give residents knowledge and information but also the skills, incentive and facilities to act upon this information. This can be tailored depending on survey results once these have been conducted.

- For example the TPC to arrange an adult cycle training session as part of bike week.

- A draft of the travel pack will need to be submitted to LCC for approval before being distributed to residents. An administration fee of £500 will be required upon submission to enable the LHA to review and comment upon it. Alternatively, LCC can provide each dwelling with a travel information pack for £52.85 per pack.

- The travel plan coordinator should be in post prior to first occupation and should remain in post for a minimum of the 5-year monitoring period.

- Actions set out within section 6.13 of the TP should be considered before targets are not being met. These should be included in the initial action plan. The first travel survey should also be used to identify what residents are looking for in order to support them to reduce single car occupancy travel.

- Greater clarity is required for when 50% occupancy is expected for the sites. Due to the number of dwellings it would be expected that the first travel survey is completed within six months of first occupation and annually after that.

- Please note that LCC would expect a minimum of two, six-month bus passes to be made available for each per dwelling.

Conditions

Access

1 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number T19595 001 Rev G 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 (2023).

Footway and Crossing Improvements

2. No part of the development hereby permitted shall be occupied until such time as the pedestrian access and infrastructure arrangements shown on drawing numbers T19595.002 rev E and T19595.006 have been implemented in full.

REASON: To ensure appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users in accordance with the National Planning Policy Framework (2023).

3. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to the Local Planning Authority and approved in writing that details a new footway, 2m in width where achievable, surfaced in a bituminous material with uncontrolled crossing points as appropriate between the site access and Hinckley Road, Stoke Golding. Once approved, the approved scheme shall be implemented and available for use prior to first occupation of any dwelling on the development hereby permitted.

REASON: To ensure appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users in accordance with the National Planning Policy Framework (2023).

Public Transport Infrastructure Improvements

4. Notwithstanding the submitted plans, no development shall commence until a scheme of bus stop infrastructure improvements to Stoke Road and Normandy Way consisting of hardstanding, pole and flag, timetable case, shelter, raised kerb and provision of digital information has been submitted to the Local Planning Authority and approved in writing. Once approved, the scheme of improvements shall be implemented prior to the first occupation of the development hereby permitted.

REASON: To ensure appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users in accordance with the National Planning Policy Framework (2023).

Offsite Junction Improvement Works

5. No part of the development hereby permitted shall be occupied until such time as the offsite works shown on Dwg No T19595-002 Rev E Stoke Road/A47 Proposed Junction Improvements have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

6. No part of the development hereby permitted shall be occupied until such time as either, the offsite works shown on Dwg No T19595-007 Rev C Ashby Rd/A47 Proposed Junction Improvements have been implemented in full or a financial contribution equivalent to the cost of delivering the scheme has been paid to the LHA in lieu of the conditioned scheme.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

Travel Plan

7. No part of the development hereby permitted shall be first occupied until an amended full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2023).

Construction Management Plan

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

Public Right of Way

9. No development shall take place until a scheme and timetable for delivery for the treatment of Public Right of Way T60 between the site and Normandy Way has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for the management during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.

REASON: To protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.'

Obligation

1. A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Justification: To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.

Contributions

To comply with Government guidance in the National Planning Policy Framework (NPPF) and Leicestershire County Council Planning Obligations Policy the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets and mitigating the impacts of the development

1. Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500.

Advised Trigger: 100% of contribution paid Prior to Commencement of Development.

Justification: To inform residents from first occupation what sustainable travel choices are available in the surrounding area.

2. Six-month bus passes, two per dwelling (application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. This can be supplied through LCC at (average) £396.00 per pass.

Advised Trigger: 25% of total obligated contribution paid Prior to 1st Occupation.

Remaining 75% of total obligated contribution paid prior to occupation of 25% of total development, except payment may be deferred by agreement with the County Council.

Justification: In the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use.

3. STARSfor (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.

Justification: To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement

Informatives

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 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>

Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.

To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

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

If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. 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>

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.

A 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.

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.

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
3 July 2023

Case Officer
Harry Horsley

Reviewer
AW

Date issued
07 September 2023