

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: 23/00978/OUT

Highway Reference Number: 2023/0978/04/H/R2

Application Address: Land Off Barton Road Congerstone Leicestershire

Application Type: Outline (with access)

Description of Application:

Re-consultation. Outline planning permission for the construction of up to 18 dwellings with associated infrastructure (some matters reserved except for access and layout)

GENERAL DETAILS

Planning Case Officer: Alex Jelley

Applicant: Mr William Naylor

County Councillor: Bertie Harrison-Rushton

Parish: Shackerstone

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 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 on outline application 23/00978/OUT, for the erection of up to 18 dwellings with associated infrastructure (some matters reserved except for access and layout). The proposals are on land off Barton Road, Congerstone, Leicestershire.

The LHA previously responded to the Local Planning Authority (LPA) on 7 November 2023 and 28 February 2024, latterly requesting further information, this included but is not limited to:

- Independent Stage 1 Road Safety Audit (RSA) and accompanying Designer's Response;
- Clarification re secondary site access into Chapel Lane;
- Provide hard surfaced service margin on spine road throughout the site;
- The LHA had concerns regarding overrun of the footway at the location of the proposed uncontrolled pedestrian crossing by refuse vehicles exiting the site.
- Demonstrate speed control measures throughout the site; and
- Shared surface fronting plots 9 to 12 should be designed with a more conventional road layout (4.8m carriageway and 2m footways, bituminous surfacing).

Site Access

The Applicant has now provided a Stage 1 Road Safety Audit (RSA1), no issues were raised. This matter also alleviates LHA concerns relating to overrun of the footway at the location of the proposed uncontrolled pedestrian crossing by refuse vehicles exiting the site. The LHA accept these findings.

Within the RSA1 the Auditors raised an issue for relating to street furniture. This matter has been sent to the relevant department to action.

Internal Layout

Whilst the LHA have previously raised issues in relation to the internal layout of the site, the Applicant has now indicated that the internal layout will now remain private and will be maintained by a private company. As such the LHA now further comments to make on this matter.

The Applicant has confirmed the secondary access onto Chapel Lane is intended as a maintenance access to the space to the west of the site. The LHA finds this acceptable.

After taking all the above into consideration the LHA would not seek to resist the proposals subject to the following conditions.

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 occupied until such time as the access arrangements shown on Access Design drawing number NE/0312/AD/23 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 (December 2023).

3. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 36 metres to the northeast and 2.4 metres by 37 metres to the southwest 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. No part of the development hereby permitted shall be occupied 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).

5. The development hereby permitted shall not be occupied until such time as the parking have been implemented in accordance with Proposed Site Layout, drawing number 22-119-PL02-C. 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).

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>

- The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

Date Received
19 March 2024

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
3 April 2024