

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: 24/00601/FUL

Highway Reference Number: 2024/0601/04/H

Application Address: Grove House Grove Road Burbage Hinckley Leicestershire LE10 2AE

Application Type: Full

Description of Application: Proposed Erection of five new dwellings to the rear of Grove House, Grove Road, Burbage, Leicestershire

GENERAL DETAILS

Planning Case Officer: David Spring

Applicant: Grove Homes Midlands (LTD)

County Councillor: Cllr Barry Walker

Parish: Burbage

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 consulted by the Local Planning Authority (LPA), Hinckley & Bosworth Borough Council (HBBC), on a planning application which seeks the:

'Proposed erection of five new dwellings to the rear of Grove House, Grove Road, Burbage, Leicestershire'

The proposals are at Grove House, Grove Road, Burbage, Leicestershire, LE10 2AE.

There have been two previous applications at the site which are detailed below.

19/00743/FUL - Erection of five dwellings with vehicular access and associated parking and garages. The LHA responded to the LPA on 1 August 2019 requesting further information.

However, the LHA can find no record that this information was forthcoming within LHA records or the LPA's own website. The LPA granted the proposals on 25 October 2019 with conditions.

22/00859/CONDIT - Variation of condition 02 & 9 (approved drawings) for Planning Permission 19/00743/FUL. Variation to include changes to plans of plots 1, 2, 3, 4 & 5. The LHA responded to the LPA on 30 May 2023 objecting to the discharge of condition 13 due to concerns that the proposed hedge boundary treatments may encroach onto Public Footpath U77, thereby restricting access. This application has yet to be determined.

The LHA have reviewed the submitted documents as provided on the LPA's website, these include:

- Application form;
- Design and access statement;
- Plot one floor plan;
- Plot 2 floor plan;
- Plot 2 Garage Proposed Floor Plans & Elevations, drawing number 198-TAA-XX-ZZ-DR-A-1202 Rev P03;
- 'Plot 3 Proposed Ground & First Floor Plan', drawing number 198-TAA-XX-ZZ-DR-A-1300 Rev P05;
- Plot 4 Proposed Floor Plans, drawing number 198-TAA-XX-ZZ-DR-A-1400 Rev P05;
- Plot 5 ground floor plan;
- Plot 5 first floor plan;
- Plot 5 second floor plan; and
- Proposed site plan, drawing number 198-TAA-XX-ZZ-DR-A-1000 Rev P06.

Site Access

The site access is onto the southern extent of Grove Road, approximately 100m to the northeast of the junction of Grove Road / Twycross Road. Grove Road at the location of the access is an adopted, unclassified road subject to a 20mph speed limit.

It is noted within the 'Application Form' that the previous scheme submitted under 19/00743/FUL was implemented on 1 November 2022. The Applicant states within section 4.2 of the submitted 'Design and Access Statement' ('DAS') that the vehicular access will remain as per the previous proposals approved under 19/00743/FUL. The existing dropped kerbs have been retained to the junction and the existing private access road. Having reviewed 'Proposed Site Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000 Rev P06, the find this to be the case.

However, the LHA within their previous observations provided to the LPA under 19/00743/FUL requested a scaled, revised drawing demonstrating a 0.6m high (maximum) wall on the highway boundary so as to not obscure vehicular visibility. That said, this matter appears to have been addressed as part of this application as demonstrated on 'Proposed Site Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000 Rev P06 and stated within bullet point 11 on the drawing.

Given all other matters were reviewed and approved as part of 19/00743/FUL, the LHA find it unreasonable to request any further information / amendments.

Highway Safety

The LHA has conducted a review of its Personal Injury Collision (PIC) data and find there have been two PICs recorded in total within 500m of either direction of the site access within the latest five-year period. These were both classed as slight in severity.

The LHA has considered the collision data and is satisfied that there is no evidence to suggest that the development proposals would exacerbate the likelihood of further such incidents occurring as there is no significant correlation between collisions.

Internal Layout

Whilst the LHA are aware there are no major internal layout amendments over the previously submitted scheme granted under 19/00743/FUL, a robust assessment has been made of the submitted application documents as detailed below.

Access drive

The Applicant is proposing an access drive width of 5m for its entire length of approximately 80m to the nearest dwelling from the public highway. Whilst this may be considered over engineered for the scale of development, given the site and access drive is private the LHA would not seek any amendments.

The LHA notes that the Applicant is proposing three visitor car parking spaces along the access drive. The LHA finds these to accord with Paragraph 3.167 of Part 3 of the Leicestershire Highway Design Guide (LHDG), a copy of which can be found at <https://resources.leicestershire.gov.uk/>

Plot 1 - (3 bedrooms)

The LHA finds the quantum of proposed off-street car parking spaces to accord with Paragraph 3.151 of Part 3 of the LHDG as demonstrated on 'Proposed Site Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000 Rev P06.

In order to count towards off-street car parking provision, the dimensions of car parking spaces should accord with Paragraph 3.165 of Part 3 of the LHDG. This states that minimum parking sizes of 2.4m x 5.5m should be provided, 0.5m should be added if bounded by a wall, fence, hedge, line of trees or other similar obstructions on 1 side, 1m if bounded on both sides. Having reviewed 'Proposed Site Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000 Rev P06, the LHA find the proposed side by side off-street car parking spaces associated with plot 1 to be 5m by 5.4m. As such, the car parking spaces associated with plot one cannot be counted towards off-street car parking provision.

The LHA have taken into consideration that this arrangement was previously approved by the LPA under 19/00743/FUL, and that the site is approximately 80m away from the public highway along a private drive. The LHA also consider that given the distance of the site from the public highway, it is unlikely this would lead to inconsiderate parking on the public highway. Therefore, the LHA would not request any amendments in these site-specific circumstances.

Plot 2 – (4 bedrooms)

Drawing 'Proposed Site Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000 Rev P06 demonstrates two off-street car parking spaces are proposed, one in a single, detached garage with space for one vehicle to the front of the garage. For dwellings with four bedrooms the LHA would normally expect the Applicant to provide three off-street car parking spaces as per Paragraph 3.151 of Part 3 of the LHDG.

The LHA finds the garage as demonstrated on 'Plot 2 Garage Proposed Floor Plans & Elevations', drawing number 198-TAA-XX-ZZ-DR-A-1202 Rev P03 to accord with Paragraph 3.200 of the LHDG and can therefore be counted towards the off-street car parking provision.

Whilst the area marked on 'Proposed Site Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000 Rev P06 to the front of the garage does not accord with paragraph 3.165 of Part 3 of the LHDG (Dimensions), the LHA are satisfied there is adequate space within the area shown as paved for the parking of one vehicle.

Whilst there is a shortfall of one off-street car parking space, the LHA have taken into consideration that this arrangement was previously approved by the LPA under 19/00743/FUL, and that the site is approximately 80m away from the public highway along a private drive. The LHA also consider that given the distance of the site from the public highway, it is unlikely this would lead to inconsiderate parking on the public highway. Therefore, the LHA would not request any amendments in these site-specific circumstances.

Plot 3 – (4 Bedrooms)

Drawing 'Proposed Site Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000 Rev P06 demonstrates three off-street car parking spaces are proposed, one in a single, integrated garage with space for two vehicles to the front of the garage which accords with Paragraph 3.151 of Part 3 of the LHDG.

The LHA finds the garage as demonstrated on 'Plot 3 Proposed Ground & First Floor Plan', drawing number 198-TAA-XX-ZZ-DR-A-1300 Rev P05 to accord with Paragraph 3.200 of the LHDG and can therefore be counted towards the off-street car parking provision.

Whilst the area marked on 'Proposed Site Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000 Rev P06 to the front of the garage does not accord with paragraph 3.165 of Part 3 of the LHDG (Dimensions), the LHA are satisfied there is adequate space within the area shown as paved to the front of the garage for the parking of two vehicles.

Plot 4 – (4 bedrooms)

Drawing 'Proposed Site Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000 Rev P06 demonstrates two off-street car parking spaces are proposed to the west of the proposed dwelling via a car port in a tandem formation. It is also noted this dwelling was previously granted permission under 19/00743/FUL as a three-bedroom dwelling. For dwellings with four bedrooms the LHA would normally expect the Applicant to provide three off-street car parking spaces as per Paragraph 3.151 of Part 3 of the LHDG.

The LHA raise concerns with the proposed car port arrangements. As previously raised within these observations, Paragraph 3.165 of Part 3 of the LHDG states that minimum parking sizes of 2.4m x 5.5m should be provided, 0.5m should be added if bounded by a wall, fence, hedge, line of

trees or other similar obstructions on 1 side, 1m if bounded on both sides. As such, the minimum width of the car port should be 3.4m. The LHA have scaled from 'Plot 4 Proposed Floor Plans', drawing number 198-TAA-XX-ZZ-DR-A-1400 Rev P05, and find the car port to be 2.9m wide and as such would normally not be counted towards off-street car parking provision.

However, as with previous plots, whilst there is a shortfall of one off-street car parking space the LHA do not consider they could demonstrate this to have a severe impact on the public highway contrary to the National Planning Policy Framework (December 2023). In terms of the car port the LHA have taken into consideration that this arrangement was previously approved by the LPA under 19/00743/FUL.

Given the above, the fact the site is approximately 80m away from the public highway along a private drive, and given the distance of the site from the public highway, it is unlikely this would lead to inconsiderate parking on the public highway. The LHA would therefore not request any amendments in these site-specific circumstances.

Plot 5 - (4 bedrooms)

Drawing 'Proposed Site Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000 Rev P06 demonstrates two off-street car parking spaces are proposed to the front of the proposed dwelling, and two in a double integrated garage. For dwellings with four bedrooms the LHA would normally expect the Applicant to provide a minimum of three off-street car parking spaces as per Paragraph 3.151 of Part 3 of the LHDG.

The LHA have scaled from drawing 'Plot 5 Proposed Ground Floor Plan', drawing number 198-TAA-XX-ZZ-DR-A-1500 Rev P02. This demonstrates that the double garage does not accord with Paragraph 3.200 of Part 3 of the LHDG in terms of either width or length. Paragraph 3.200 of Part 3 of the LHDG states the internal dimensions of double garages should be a minimum of 6m (Length) by 6m (Width). As such, the double garage cannot be counted towards off-street car parking provision.

Whilst the area marked on 'Proposed Site Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000 Rev P06 to the front of the dwelling does not accord with paragraph 3.165 of Part 3 of the LHDG (Dimensions), the LHA are satisfied there is adequate space within the area shown as paved to the front of the dwelling for the parking of two vehicles.

However, as with previous plots, whilst there is a shortfall of one off-street car parking space the LHA do not consider they could demonstrate this would have a severe impact on the public highway contrary to the National Planning Policy Framework (December 2023).

Given the above, the fact the site is approximately 80m away from the public highway along a private drive, and given the distance of the site from the public highway, it is unlikely this would lead to inconsiderate parking on the public highway. The LHA would therefore not request any amendments in these site-specific circumstances.

Public Right of Way (PRoW) U77

The LHA notes that PRoW Footpath U77 runs along the northeastern boundary, however, the LHA are satisfied that the use and enjoyment of PRoW Footpath U77 will not be significantly affected by the proposals.

Other considerations

Due consideration should be given to waste collection provision. Refuse vehicles are unlikely to access the site given that it is located more than 25m from the highway boundary and via a private drive. The Applicant should be aware that if any bin collection point is proposed, it should not be located within the visibility splays.

Conditions

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements, parking and turning as shown on 'Proposed Site Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000 Rev P06 have been implemented in full. Once provided, they shall be maintained and made available for use in perpetuity.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner and 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 general highway safety and in accordance with the National Planning Policy Framework (December 2023).

Informative

- a. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
- b. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
- c. The Public Right(s) 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.
- d. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- e. 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.

- f. 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.
- g. 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.
- h. No trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.

Date Received
20 June 2024

Case Officer
Neal Chantrill

Reviewer
DP

Date Issued
8 July 2024