

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: 23/00944/FUL

Highway Reference Number: 2023/0944/04/H

Application Address: 20 Brascote Lane Newbold Verdon Leicester Leicestershire LE9 9LF

Application Type: Full

Description of Application:

Proposed dropped kerb and block paving parking space

GENERAL DETAILS

Planning Case Officer: Sophie Iliffe

Applicant: Mrs R Loughlin

County Councillor: Ross Hills

Parish: Newbold Verdon

Road Classification: Class C

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 (2023) and the Local Planning Authority is advised to consider refusal on transport/highway grounds for the reasons outlined in this report.

Advice to Local Planning Authority

The LHA advises the following reason for refusal:

- **The Applicant has failed to demonstrate a safe and suitable vehicular access can be provided. The proposals, if permitted may consequently result in an unacceptable impact on the highway and could lead to dangers for all users, contrary paragraphs 110 and 111 of the National Planning Policy Framework. (NPPF) 2023.**

Background

The Local Highway Authority (LHA) have been consulted on application 23/00944/FUL for a proposed dropped kerb and block paving parking space. The application site is situated at 20 Brascote Lane, Newbold Verdon, Leicestershire, LE9 9LF.

The proposed access is situated on the eastern extent of Brascote Lane. Brascote Lane is an adopted, classified C road subject to a 30mph speed limit. The proposed access is approximately three metres away from the junction of Brascote Lane/Gilberts Drive.

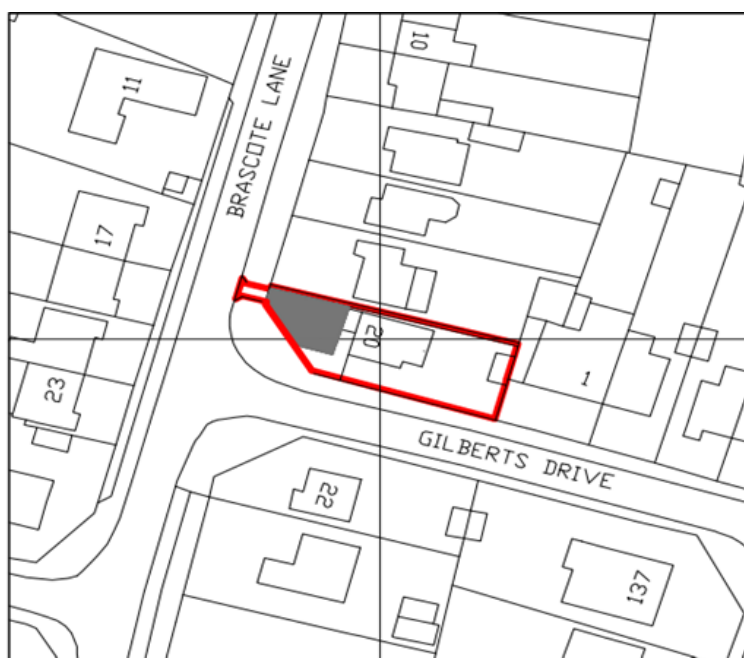
It is noted the dwelling is currently afforded off-street car parking to the rear which is accessed via Gilberts Drive.

Given the proximity of the proposed access with the junction of Brascote Lane/Gilberts Drive, the proposals are contrary to guidance contained within Paragraph 3.31 of Part 3 of the Leicestershire Highway Design Guide (LHDG), which states:

'There will normally be no accesses for vehicles:

- ***Within the vicinity of the junction;***
- *On to the corners (radii) of the junction;*
- *At bus stops or lay-bys;*
- *Close to a pedestrian or cycle refuge;*
- *Close to a traffic-calming feature (accesses should not be sited on the ramp of a road hump or speed table due to the risk of a vehicle grounding as it manoeuvres into or out of the access);*
- *and*
- *Close to street furniture.'*

The LHA notes the Applicant's drawing 'Proposed Dropped Kerbs and Block Paving', drawing number 23/007/01 demonstrates a 2m access width, this width is therefore considered substandard. Table DG17 of Part 3 of the LHDG which requires a minimum effective width of 2.75m for a single dwelling private access, add 0.5m if bounded by a wall on one side, 1m if bounded on both sides. Given this, to provide an LHDG compliant access in terms of width, the access would have to be extended south bringing it closer to the junction, this would not be supported by the LHA. This would be further complicated by the requirement for 1m by 1m pedestrian visibility splays within the Applicant's land as per Figure DG17 of Part 3 of the LHDG to ensure a safe and suitable access can be delivered (illustrated within drawing below).



The LHA also have concerns that if approaching the site from the north along Brascote Lane, vehicles travelling behind may be expecting vehicles to turn east onto Gilberts Drive rather than accessing the site. As such, if vehicles accessing the site slow suddenly within the carriageway, this may lead to rear end shunts.

Vehicles egressing Gilberts Drive turning to the north along Brascote Lane may also be presented with vehicles reversing via the proposed access, providing a further possible conflict point within the carriageway.

Furthermore, given the highway safety concerns with the proposed access, the LHA note the Applicant did not provide an independent Stage 1 Road Safety Audit and Designers Response in support of the application as set out in Appendix 7 of the LHDG.

Notwithstanding the above, if the Local Planning Authority (LPA) are minded to grant the proposals permission, the LPA should note the following:

The Applicant should be mindful that if the planning application is successful, for a vehicular access to be created within the public highway, a separate approval must be obtained from the LHA. Further information can be found using the Leicestershire County Council Vehicle Access (Dropped Kerbs) Information Pack available at:

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/6/21/VA1-Information-Pack-June 19.pdf>).

Whilst planning permission may be granted, the Applicant should be made aware that the proposals in their current form are highly unlikely to be granted a vehicular access (dropped kerb) licence due to it not fulfilling the criteria as detailed within the observations above.

As previously stated, should the LPA be minded to grant the proposals, the access width should be considered in accordance with Table DG17 of Part 3 of the LHDG which requires a minimum effective width of 2.75m for a single dwelling private access, add 0.5m if bounded by a wall on one side, 1m if bounded on both sides.

The LPA should also consider requesting the Applicant provide detailed, scaled vehicular visibility splay drawings demonstrating visibility splay lengths in accordance with Table DG4 of Part 3 of the LHDG based on the 85th percentile speed of the road. Vehicular visibility splays should be drawn in accordance with Figure DG2a of Part 3 of the LHDG and should be over the Applicants or highway land, and not over third party owned land, to a point 1m into the highway. There should be nothing above 0.6m within the vehicular visibility splays.

The LHA hold on record that vehicles travel well in excess of the posted speeds (30mph) along Brascote Lane in both directions and is a location enforced in the Leicester, Leicestershire & Rutland Road Safety Camera Scheme. As such, the LHA advise the LPA to consider requesting the Applicant to commission a speed survey at the proposed site access to demonstrate that the achievable splay lengths would be sufficient for the measured 85th percentile vehicle speeds. This would need to be carried out using an Automatic Traffic Counter – not Manual Speed Survey – to avoid influencing driver behaviour. A permit is required to carry out any traffic count/speed survey on the public highway within Leicestershire, which can be obtained by contacting ndi@leics.gov.uk. Alternatively, Leicestershire County Council offer a data collection service including a large traffic count database. Details of the services available can be obtained by contacting ndi@leics.gov.uk

Should the LPA be minded to grant the proposals the Applicant should also provide 1m by 1m pedestrian visibility splays within the Applicants land either side of the proposed access. There should be nothing above 0.6m within the pedestrian visibility splays.

Links

<https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2022/3/18/Part-3-design-guidance-interim.pdf>

Summary

Given the possible conflicts with vehicles accessing and egressing the site and Gilberts Drive in close proximity to the junction of Brascote Lane/Gilberts Drive, plus the proposals being contrary to Figure DG17 and Paragraph 3.31 of Part 3 of the LHDG, it is the opinion of the LHA that the proposed development may be detrimental to highway safety.

In accordance with paragraph 110 and 111 of the NPPF 2023, it should be ensured that a safe and suitable access to the site can be achieved for all users and therefore the LHA advise refusal of this planning application.

Date Received
11 October 2023

Case Officer
Neal Chantrill

Reviewer
HH/DH

Date issued
09 November 2023