

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: 24/00274/FUL

Highway Reference Number: 2024/0274/04/H/R2

Application Address: Manor View Aston Flamville Road Burbage Hinckley Leicestershire LE10 3AA

Application Type: Full

Description of Application: Re-consultation. Extensions and alterations of existing ancillary building to form early years day nursery (Class E) with associated car parking

GENERAL DETAILS

Planning Case Officer: Joseph Fleetwood HBBC

Applicant: Mrs J Jelfs

County Councillor: Cllr Barry Walker

Parish: Burbage

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, 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 by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a full application for extensions and alterations of an existing ancillary building to form an early years day nursery (Class E) with associated car parking. The proposals are located at Manor View, Aston Flamville Road, Burbage, Hinckley.

The LHA previously advised additional information was required in respect of the proposals within its observations submitted to the LPA on 16th April 2024 and 15th May 2024. Most recently, the following additional information was required:

- Further consideration of the site access in terms of visibility splays and the location;
- Provision of an RSA1 for any new access proposals as well as a designer's response to any problems raised; and
- Consideration of the proximity of the roundabout proposed as part of application 23/00673/OUT.

Site Access

The LHA advised within both previous observations that given the proposals would intensify the use of the existing access and due to concerns with visibility splays in the current location and the proximity of the proposed roundabout approved as part of application reference 23/00673/OUT, the Applicant should seek to relocate the site access further to the southeast of the site.

The Applicant submitted an e-mail to the LPA dated 23rd May 2024 in response to the 15th May 2024 observations. This states that consideration was given to moving the site access, however the approval of the Jelson scheme via 23/00673/OUT where access was up for determination, it was reasonably concluded there is no material highway gain in altering the current access, therefore the existing access will be physically unchanged as justified by the Jelson access approval. Given the roundabout is yet to be constructed, the LHA feel it would be difficult to resist the proposals on the grounds of the proximity to the roundabout.

The Applicant has also reviewed the extents of the highway boundary for the northwestern visibility splay where there is an area of third party land between the back of the footway and the existing hedge.

The Applicant has stated that “...a local farmer undertakes regular highway verge and hedge maintenance, so presumably it falls under the remit of Highways Act 1980 and this will ensure this remains the case until the Jelson scheme is implemented.”.

The LHA believes this area is privately maintained and was created because of application 05/00373/FUL, whereby the Applicant for that application relocated the hedge to provide a 2.4 x 120m visibility splay. As part of that application, the area fell within the Applicants red line boundary, however it does not fall within the red line boundary for this current application.

To the southeast, the LHA would require the existing hedgerow to be lowered to 0.6m for appropriate visibility to be achieved. The Applicant has advised that all vegetation in this area falls under the control of the Applicant and can be removed, cut back or relocated as appropriate. The LHA advises that the visibility splay in this direction is likely to require removal of a considerable length of hedgerow and potentially a fence.

After liaising with the LPA, the LHA understand it would not be possible to include the area of third party land which falls within the northwestern visibility splay within the Applicants red line. As a result, the LHA advises that the Applicant would need to enter into a unilateral undertaking with the landowner. This would be to:

- a) Not plant anything or allow any plants to remain on the third party land that obstructs (or would be reasonably expected to obstruct) the visibility splay; and
- b) Not to do anything or allow anything to be done on the third party land that obstructs, or interferes with the visibility splay.

The LHA would require confirmation from the Applicant that this would be possible, prior to being able to advise approval of the proposals.

However the LHA understand that the proposals are to be considered as part of the LPA's July Planning Committee. It is understood that should the proposals be approved, the decision notice would be released by the LPA following a resolution by the Applicant to secure the northwestern visibility splay. The LHA therefore advise the below conditions and contribution would be required, should the LPA grant planning permission.

It should be noted that as per the 15th May 2024 observations, the LHA believes Savoy Consulting drawing number DWG-03 does not accurately reflect the existing situation on-site as previously claimed by the Applicant. While the LHA are satisfied the level of parking shown on the drawing would be acceptable, should the Applicant wish to revise the parking arrangements to avoid the need to remove several trees on the western boundary, it would be advisable to provide a revised drawing at this stage, rather than vary conditions at a later date. It should also be noted that any revised parking arrangement may not be considered suitable by the LHA.

Conditions

1. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 120 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 (December 2023).

2. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Savoy Consulting drawing number DWG-03. 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).

Contributions

1. In order to secure the required vehicular visibility splay on third party land to the northwest of the proposed site access as indicated on Savoy Consulting drawing number DWG-03, the third party landowner shall be required to:
 - a. Not plant anything or allow any plants to remain on the third party land that obstructs (or would be reasonably expected to obstruct) the visibility splay; and
 - b. Not to do anything or allow anything to be done on the third party land that obstructs, or interferes with the visibility splay.

Justification: In the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

Informative

- 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.

Date Received
16 July 2024

Case Officer
Ben Dutton

Reviewer
DH

Date issued
26 July 2024