

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: 23/00311/FUL

Highway Reference Number: 2023/0311/04/H/R2

Application Address: Land Off Chapel Lane Witherley Atherstone Leicestershire CV9 3LR

Application Type: Full

Description of Application:

Re-consultation. Proposed construction of 5 detached dwellings with associated garages, parking provision, access and landscaping

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Cartwright Homes

County Councillor: Bertie Harrison-Rushton

Parish: Witherley

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 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) have been re-consulted on application 23/00311/FUL which seeks the construction of 5 detached dwellings with associated garages, parking provision, access and landscaping. The proposed works are at Chapel Fields, Livery Stables, Chapel Lane, Witherley, Atherstone, Leicestershire, CV9 3LR.

The LHA previously responded to the Local Planning Authority (LPA) on 24 April 2023 and 28 July 2023 requesting further information, this included but may not be limited to:

- Boundary treatment for Parish Hall gifted land to ensure no encroachment of Public Right of Way (PRoW) T28 can take place.

Internal Layout

In response to the LHA's observations provided to the LPA on 28 July 2023 the Applicant has provided:

- Proposed Hard Landscaping, drawing number PL-03-B; and
- Email provided to the LPA dated 1 August 2023.

The LHA have reviewed the additional information and provide the following comments.

The Applicant has demonstrated on Proposed Hard Landscaping, drawing number PL-03-B a 1.2m post and rail fence along the boundary of the proposed gifted land. The LHA have checked the location of the proposed fence against records held that demonstrate the legal definitive line of PRoW T28, the LHA are satisfied the proposed location of the fence would not impede the use and enjoyment of PRoW T28. The LHA request the LPA insert a suitably worded condition to ensure the 1.2m post and rail fence at the Parish Hall is implemented and retained in perpetuity.

Given the above the LHA would not seek to resist the proposals subject to the following condition and informatives.

Conditions

1. No part of the development hereby permitted shall be occupied until such time as the highway works, access arrangements, visibility splays, parking & turning as shown on Proposed Highway Works, drawing number ADC1306/008, Rev G contained within the 'Transport Statement' received by the LPA on 20 July 2023 have been implemented in full and retained in perpetuity.

REASON: To ensure that vehicles may pass, enter and leave the site in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, and that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

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>
- Section 278 agreements - Information required at preliminary design stage [PD1]
https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/2017/2/28/PD1_Preliminary_

Design_Submission_Checklist.pdf

- Section 278 agreements – Information required at detail design stage [DD1]
https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/2017/2/28/DD1_Detail_Design_Submission_Checklist.pdf
- LCC standard drawing: The LCC standard drawings should be used except where no appropriate detail covers the proposal. It is not necessary to import the drawings into consultants drawing frame, but as a reference. Link;
<https://resources.leicestershire.gov.uk/environment-and-planning/planning/the-6cs-design-guide>

PRoW Related Informatives

- a) 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.
- b) The 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.
- c) The Public Right of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- d) 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.
- e) 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.
- f) 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.

Date Received
2 August 2023

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
17 August 2023