

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: 23/00824/OUT

Highway Reference Number: 2023/0824/04/H

Application Address: Land Barwell Road Kirkby Mallory Leicestershire

Application Type: Outline

Description of Application:

Outline Planning permission for the construction of up to 7 dwellings and garages (re-submission of 22/01181/OUT)

GENERAL DETAILS

Planning Case Officer: Emma Baumber

Applicant: Mr J Lawrence

County Councillor: Ross Hills

Parish: Peckleton

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 (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 on an outline application for the construction of up to seven dwellings and garages on land at Barwell Road, Kirkby Mallory. All matters are reserved.

This application is a re-submission of outline (access) application reference 22/01181/OUT, which was refused by the Local Planning Authority (LPA) on 9 February 2023. This included a highways reason for refusal as follows:

The proposal fails to demonstrate adequate and safe access to the site and would therefore have a severe impact on highway safety contrary to policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

The LHA advised additional information was required in order to fully assess the proposals as part of that application.

As part of this current application, the LHA have reviewed the following submitted documents:

- Planning Statement dated November 2022
- Site Location Plan dated November 2022

Site Access

Access to the site is not to be determined as part of this application. The Applicant has detailed within the Planning Statement that there is an existing access to the site off Barwell Road and that a new access would be constructed fully in accordance with the Leicestershire Highway Design Guide ([LHDG] available at <https://resources.leicestershire.gov.uk/lhdg>). Barwell Road is an unclassified road, with the speed limit changing from 30mph to the national speed limit immediately to the south of the existing access. The Applicant has not provided any details as to where the location of the access would be along the site frontage with Barwell Road, or details of the available visibility splays.

If outline planning permission was granted by the LPA, the Applicant will need to demonstrate that a safe and suitable access could be achieved to the site at the Reserved Matters stage, which would need to be designed fully in accordance with Part 3 of the LHDG. Any site access proposals should be accompanied by an independent Stage 1 Road Safety Audit, along with a Designer's Response to any problems raised and a revised site access drawing (if necessary). Swept path analysis of a refuse collection vehicle to H&BBC's specification would also be required, showing the vehicle arriving and departing from the site in all directions. The Applicant will be required to provide evidence by means of an automatic (not handheld radar) speed survey that appropriate visibility splays in accordance with Part 3, Table DG4 of the LHDG could be achieved.

While the LHA has no objection to the proposals in principle at this stage, proceeding with the access details as part of a future Reserved Matters application is entirely at the Applicants own risk.

As part of the previous application, the LHA advised it would not require a relocation of the existing 30/national speed limit. This is still considered to be the case, unless the site access was to fall in the location of the existing speed limit in which case relocation would be necessary at the full expense of the Applicant, along with all costs associated with any amendments to the existing 'dragons teeth' and 30mph carriageway markings.

Highway Safety

Based on available records to the LHA, there have been no recorded Personal Injury Collisions recorded along Barwell Road in the last five years, up to the end of July 2023. This is from its junction with Church Road to 500m south of the site.

Off-Site Implications

The LHA note that there is a village sign within close proximity to the proposed site access. This may need to be relocated to a safe and suitable location at the applicants expense.

The LHA advises a 2.0m wide adopted footway which connects the site access to the existing footway provision along Barwell Road will be required in the event the Local Planning Authority was mindful to grant outline planning permission of the proposals and is therefore advised as a

condition. It should also be noted that a new footway/ access could affect the location of the village gateway sign and this would need to be relocated to an appropriate location at the expense of the applicant.

Internal Layout

Whilst the layout is not to be determined at this stage, The LHA advise that the internal layout should be designed in accordance with the LHDG, particularly if the Applicant wishes for the internal road to be adopted by the LHA. As per the above, the LHA advise an adoptable 2.0m wide footway alongside Barwell Lane should also be provided, again this is particularly important if the Applicant intends for the internal layout to be adopted.

Transport Sustainability

The LHA note that while there is a restaurant and convenience store within an approximate 200m walk from the centre of the site, the local area does not include any education facilities or sustainable transport options such as bus stops served by an hourly bus service. On this basis, the LHA consider the proposals are not in a sustainable location in transport terms. Nevertheless, the LHA is happy for the LPA to consider transport sustainability alongside its other sustainability considerations for the site

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 first used until such time as details of a scheme to provide a pedestrian footway alongside Barwell Road between the existing footway and the site access has been submitted to the Local Planning Authority and agreed in writing. Thereafter the approved scheme shall be implemented in full prior to first use of the development.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

Informative

- 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.

- The Applicant should be advised that a permit is required to carry out any traffic count/speed survey on the public highway within Leicestershire. A permit can be obtained by contacting ndi@leics.gov.uk. Alternatively, Leicestershire County Council offer a data collection service including a large traffic count database. For details of the services available please contact ndi@leics.gov.uk
- All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

Date Received
5 September 2023

Case Officer
Ben Dutton

Reviewer
DH

Date issued
25 September 2023