

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: 23/01115/HOU

Highway Reference Number: 2023/1115/04/H

Application Address: 56 High Street Desford Leicester Leicestershire LE9 9JF

Application Type: Householder

Description of Application:

Creation of off street car parking space and new retaining walls.

GENERAL DETAILS

Planning Case Officer: Sophie Iliffe

Applicant: Mr C Smythe

County Councillor: Cllr Peter Bedford

Parish: Desford

Road Classification: Class B

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 householder application 23/01115/HOU, for the creation of an off street car parking space and new retaining walls. The proposals are at 56 High Street Desford Leicester Leicestershire LE9 9JF.

Site Access/Trip Generation

It is the Applicant's intension to utilise the existing access onto High Street. High Street at the location of the access is an adopted, classified B road (B582) subject to a 30mph speed limit.

The LHA have reviewed 'Proposed Site Plan & Elevations', drawing number PL-6204-03 and make the following comments.

It appears the existing access already affords vehicular access and egress to the rear of 54 High Street and 2-4 Forest Way.

It is demonstrated on 'Proposed Site Plan & Elevations', drawing number PL-6204-03 that the boundary wall would be brought back approximately 2m further east which would aid vehicular visibility for all vehicles that utilise the access currently.

The LHA note the access is substandard in term of effective access width and visibility splays when compared to Figure DG17 and Table DG4 of Part 3 of the Leicestershire Highway Design Guide (LHDG), a copy of which can be found at:

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

Whilst the proposals would lead to an intensification of use of an existing substandard access the proposals are for one off-street car parking space and the trips to and from the site would be minimal.

Taking all the above into account, the LHA do not consider they could demonstrate the proposals would lead to a severe impact on the public highway contrary to Paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) 2023, and subsequently defend at an appeal in these site specific circumstances. As such, the LHA would not seek to resist the proposals based upon access arrangements.

Highway Safety

It is noted that there was a fatality in the vicinity of the proposed access in 2021. Whilst any fatality is regrettable, after investigation by the LHA it can not be linked to the development proposed.

A further four Personal Injury Collisions (PIC's) have been recorded in the locality in the last five years that occurred within 500m in any direction of the proposed access. Two of these were classed as slight, one as serious and one where no report was received from the Police.

The LHA have investigated all of the above PIC's and can not find any patterns or trends within the data. As such, the LHA would conclude the proposals are unlikely to exacerbate the current highway situation.

Internal Layout

The LHA have reviewed 'Enlarged Proposed Site Plan', drawing number PL-6204-04 and make the following comments.

Whilst it is unclear as to how many bedrooms the host dwelling has, the proposals would be seen as an improvement over the current situation given it appears the dwelling is not currently afforded any off-street car parking.

Whilst the off-street car parking space dimensions as demonstrated on 'Enlarged Proposed Site Plan', drawing number PL-6204-04 do not accord with Paragraph 3.165 of Part 3 of the LHDG, the LHA however believe there is adequate space within the site for one vehicle.

Whilst surfacing and drainage are demonstrated on 'Enlarged Proposed Site Plan', drawing number PL-6204-04, these can be secured via condition.

The LHA would normally seek to resist off-street car parking that is parallel to the highway and not perpendicular. However, given neighbouring properties have similar off-street car parking arrangements, in these specific circumstances the LHA deem this could not be considered as a reason for refusal or defended at an appeal.

Public Right of Way (PRoW) R98

The proposals would involve driving over Public Footpath R98 to access and egress the proposed off-street car parking. However, it appears that properties 54 High Street and 2-4 Forest Way already use the start of the Public Footpath as a private vehicular access onto High Street. As such, the LHA find this acceptable in these site specific circumstances. The Applicant should however be mindful of the informatives at the foot of this report.

Closing

The LHA would not seek to resist the application subject to the following conditions for the reasons given above.

Conditions

1. The development hereby permitted shall not be occupied until such time as the parking has been implemented in accordance with Enlarged Proposed Site Plan, drawing number PL-6204-04. Thereafter the onsite parking provision shall be kept available for such use 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 in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

2. The development hereby permitted shall not be occupied until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

3. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2023).

4. 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.

Reason: to ensure the Public Right of Way is safe and available during the period of construction in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework 2023

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(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.
- c) The Public Right(s) 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
28 November 2023

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
14 December 2023