

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: 24/00657/FUL

Highway Reference Number: 2024/0657/04/H

Application Address: Barnhills Farm Merrylees Road Thornton Coalville Leicestershire LE67 1AP

Application Type: Full

Description of Application: Erection of two storey childcare facility with ancillary services and associated external play areas and animal interaction areas.

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mr and Mrs Gary and Amy Knight

County Councillor: Cllr Peter Bedford

Parish: Bagworth & Thornton

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 does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been consulted on the above planning application for the erection of a two-storey childcare facility with ancillary services and associated external play areas and animal interaction areas. The proposed development at Barnhills Farm Merrylees Road Thornton Coalville.

The LHA understands that his new day care centre will be able to accommodate 72 children and will be served by 14 members of staff.

In compiling this response, the LHA has reviewed the following documentation.

- Application form
- Transport Statement authored by SLR Consulting Limited reference 415.064561.00001
Revision: 02 dated 24 May 2024

- Travel Plan authored by SLR Consulting Limited reference 415.064561.00001 Revision: 02 dated 24 May 2024
- Planning Statement authored by MAIR Land and Planning Consultants Ltd reference MLP-24-J049 dated June 2024
- Design and Access Statement authored by Corporate Architecture reference 5681 dated July 2024 issue 1
- Location Plan drawing number 5681/MN/23/001
- Proposed Internal Layouts drawing number 5681/MN/23/003 revision B
- Proposed Site Plan drawing number 5681/MN/23/004 revision C

The LHA provided pre-application advice in relation to the proposed development on the 21 February 2024 which raised a number of points to be considered by the applicants prior to submitting a planning application. It is disappointing that several of the issues remain unresolved within this submission.

Site Access

The LHA understands that it is intended to use the existing site access to serve the potential development. However, no details have been provided in relation to the site access. The LHA note that the existing site access was approved under 80/00514/4. However, the LHA are concerned that the submitted topographical survey shows that the site access is within the highway boundary and not located a minimum of 5m from the highway boundary.

In addition, the proposed access is detailed as being 3.3m in width at the highway boundary, with the approach to the site within the highway boundary detailed as 4.6m. This is considered substandard to serve the proposed development. As per the LHA's pre-application advice dated 21 February 2024, the Applicant is required to demonstrate that a large car and the largest vehicle that is likely to visit the site can pass each other at the access. This is particularly relevant at peak times where they may be vehicles queuing to egress the site.

This should be demonstrated by providing tracking drawings demonstrating access and egress from the site for both vehicles from all directions.

Whilst the LHA note tracking drawings have been provided to demonstrate a refuse vehicle is able to access and egress the site, the drawing does not demonstrate the refuse vehicle is able to do so when a car is within the access and shows conflict points with the proposed gate.

Furthermore, the Applicant's have tracked a refuse vehicle which is 10m in length and not the 11.2m long vehicle required by the LHA. This is likely to further impact on the vehicles ability to access and egress the site.

Given the above, the LHA are not satisfied that a refuse vehicle would be able to safely access or egress the proposed site access.

In addition, the LHA also advised that the proposed access would need to be supported by a full review of the site access proposals including a Stage 1 Road Safety Audit and satisfactory Designer's Response to any issues raised. However, this has not been submitted for review by the LHA. This information should be provided to support the planning application.

Visibility splays have not been detailed on the submitted drawings. As per the LHA's pre application advice, visibility splays should be provided in accordance with table DG4 of the Leicestershire Highway Design Guide (LHDG) to cater for the measured 85th percentile speeds. The LHA would advise the Applicant's to carry out an Automatic Traffic Count at the site access to establish the recorded 85th percentile speeds in this location.

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

In addition, the LHA note that the Applicant's propose an area of concrete surfacing within the highway. The LHA advise the area will need to re-surface to the standard of a residential access road as stipulated in Part 4, Table MC5 of the Leicestershire Highway Design Guide (LHDG) and will need to appropriately tie into the carriageway of Merrylees Road.

Highway Safety

The LHA notes that the Applicants have undertaken a review of personal injury collisions (PIC) for the local highway network within a study area including the extents of Merry Lees Road close to the site access between 2018 and 2022.

The LHA highlight that PIC data is currently available up to the end of June 2024. Therefore, it is queried why the study period used is over 18 months old and thus considered to be out of date.

Trip Generation

The applicants have used the TRICS database has been used to derive vehicle trip rates associated with the proposed development. This anticipates that the proposed development would generate 37 total trips in the morning peak hour and 41 total trips in the evening peak hour.

The Applicants have then used 2021 census data to assign percentages to the population of the surrounding villages which are the likely catchment of the proposed development based on the village populations.

Whilst the LHA appreciate the approach taken, the LHA highlight that no consideration has been given to the age of the residents in the villages (i.e. the number of children at nursery age). The LHA are mindful that if this was considered it could alter the percentages allocated to each village.

In addition, the LHA do not agree with the proposed trip distribution proposed by the Applicants for Bagworth. Given the type and nature of the roads in the area, travel from this direction would likely be split across the two approaches.

In addition, the LHA query why Botcheston and Newbold Verdon have not been included in the analysis despite being similar travel times to the other surrounding villages?

Notwithstanding the above, whilst the LHA do not agree with the current distribution proposed by the applicants, given the nature of the proposed development, levels of trip generation and likely distribution, it is accepted that the proposed additional trips would have a material impact of the operation of the surrounding junctions.

Internal Layout

The LHA note that tandem car parking is proposed, with staff parking to the rear and customer parking in front. The LHA would not support the use of tandem parking to support the user type being applied for.

The LHA would query how the Applicants intend to manage to use these spaces and highlight that should the tandem spaces be used by staff, this could require multiple staff to leave the building in order to move cars which may neither be appropriate or practical.

In addition, the LHA seek clarification over whether these tandem spaces would have sufficient manoeuvring space because after a review of the submitted plans, this does not appear to be the case for the spaces parallel to the retained hedge and additional staff parking fronting the building.

No details have been provided in relation to the retained farm movements on the site. These should be provided along with tracking drawings to demonstrate that these vehicles will be able to manoeuvre around the site, without impacting on the proposed parking layout.

Transport Sustainability

The LHA are concerned with accessibility of the site by non-car modes; the site is situated in a relatively rural location, whilst a range of options for access by these modes has been identified by the Applicants have been identified. However, the LHA do not agree with the assessment.

The LHA highlight that Merrylees Road does not benefit from street lighting and no information has been submitted by the Applicant in relation to traffic flows or 85th percentile speeds.

Furthermore, the proposed development is not served by footway links to the nearest bus stops/ local amenities. This limits the opportunities for sustainable transport methods to be used to and from the site.

PROW

Public Footpath R77 crosses the entrance to the site and the footpath connects with Merryless Road at the farm gateway. The current proposals raise four specific issues related to the Public Footpath:

1. The site gateway / footpath access and the mix of vehicle traffic and pedestrians.
2. The stile at the start of the footpath and the applicant's PRow enhancement duty.
3. The nature of this Public Footpath and its use as a pedestrian link from Thornton.
4. The unauthorised obstruction of the south end of the legal public right of way.

1. The site gateway / footpath access and the mix of vehicle traffic and pedestrians.

The Transport Statement para 5.3 says '*Access to the site will be taken via the current site access to Barnhills Farm from Merry Lees Road. The access arrangement will not be altered as a result of the proposals meaning that vehicles entering and egressing from the car park will operate in a one-way manner ...*'

Beside the current farm entrance is a grass verge with an old timber pedestrian gate next the farm gateway. However the grass verge and pedestrian entrance is narrow and very close to the vehicle entrance making this a less than ideal arrangement both for pedestrians accessing the site and walkers seeking to enter or leave the footpath.

2. The stile at the start of the footpath and the applicant's PRow enhancement duty.

The Transport Statement paragraph 4.9 states that

It is acknowledged that the adjacent footpath to the site will be bettered as a result of the proposals, with the footpath crossing the car parking area, this will improve access to this route than what is currently in place. Currently, the footpath is accessed via a styal [sic] located adjacent to the farm access to Barnhills Farm; the improved access will help improve pedestrian access to the site.

This sounds a positive intervention but it is unclear what is intended. Specific details are needed so they can be assessed. As noted previously in the National Planning Policy Framework (NPPF) (December 2023) paragraph 104 the government states '*Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users ...*'. Rather than being an option, enhancement to give tangible public benefits is a requirement.

Government policy is that barriers on public footpaths should be the 'least restrictive' option and accessible to users with reduced mobility. In particular, stiles are awkward for some otherwise able walkers, such as older people, who can have mobility limitations such as hip or knee problems, or issues with climbing steps. The image below shows the current start of the footpath (viewed from the field). With two sets of stile rails and an extra long step that is particularly bad barrier.



Therefore, the LHA requests any stiles in fences or hedges belonging to this landowner are replaced by metal kissing gates comparable to LHDG specification SD/FP/12.

3. The nature of this Public Footpath and its use as a pedestrian link from Thornton.

Travel Plan paragraph 2.8 states '*Despite the current lack of footway provision along Merrylees Road, it is noted that the site is well located to access a number of existing public footpaths and bridleways which connect the site to Thornton, Merry Lees and a number of surrounding areas.*'

However, Footpath R77 has only a grass and earth surface in a paddock and through woodland. The connection to Thornton on Footpath R76 is via two fields which may contain livestock and then means 128 metres road walking before reaching a constructed footway. This may suit a summer stroll for amble walkers, but few commuters would see it as a substitute for a fully constructed pedestrian footway.

4. The unauthorised obstruction of the south end of the legal public right of way.

The LHA note that it appears that sometime between 1969 and 1991 PROW R77 was changed and the public footpath entrance was moved, but without the Definitive Map of public rights of way being altered by the correct legal process. The LHA have queried with H&BBC whether this occurred in association with application reference 80/00514/4 being implemented, as the definitive line of the PROW was protected by condition 4 imposed on the decision notice.

The LHA would advise that the legally-recorded alignment of the public right of way extends for a further 19 metres southwards across the gateway and site entrance area. The map below shows this by a pink line marking the legal extent of the public right of way is overlaid on an aerial photograph.



The physical footpath currently starts at point B.

The physical footpath originally joined Merry Lees Road at point A, beside the previous property called 'The Bend'. The LHA advise that this unofficial footpath change needs to be retrospectively authorised and would expect any forthcoming planning application to include a legal order to do so.

This issue does not appear to have been addressed by the present application.

Travel Plan

The submitted Travel Plan does not demonstrate a deliverable commitment to viable alternative modes of sustainable transport/active travel. Although it is appreciated the site is in a rural location some of the suggested alternative options to car use would not be viable to many due to the road network/traffic speed/lack of street lighting en-route to and surrounding the site.

The plan does not clearly set out the staffing levels. There is also a suggestion in the plan that many staff and users of the site will be local. However, evidence should be provided to confirm this is the case.

It is stated that grass verges could be used as a means of access to site, possibly by staff but again this may be unlikely especially in wetter/winter months and this is the same for access to the site via unpaved walking and cycling routes. These may be a possibility for a few in drier, lighter months but cannot be considered a meaningful alternative.

The LHA also highlight that the Leicestershire Cycle Map provided as Figure 2.5 in the travel plan, is not clear and the key and many of the road names are illegible.

Again, due the site location cycling may not be an option for many but can still be explored. Adult cycling courses as opposed to Bikeability (which is for school age children in the main) should be explore and offered. The option of offering the 'Cycle to work' scheme is noted and encouraged.

Site users/staff who are competent, confident cyclists may choose to cycle so to encourage these shower/changing facilities should be provided on site. The provision of secure cycle parking is again acknowledged.

Car share is likely to be the most viable option and there should be more evidence in the travel plan setting out what initial meaningful thoughts has been given to this as an option, for how many and how this could work in practice/would be set up for both staff and site users and how this will be managed going forward.

Despite the site having served bus stops within walking distance, due to the rural nature of the site, the lack of footpaths makes it difficult to access these stops from the site. On this basis, we would suggest installing a bus stop directly outside and opposite the site. Infrastructure for both stops should include pole, flag, timetable case, hardstanding and road markings. Stops will be served by Arriva service 28.

The duly appointed TPC must be a suitably qualified professional whose full name and contact details should be provided to LCC via s106monitoring@leics.gov.uk upon appointment.

The TPC is responsible for:

Developing and leading initiatives to promote sustainable travel awareness and sustainable modes used amongst all regular travellers, not just staff, to and from the site and be proactive in this role for the life span of the plan

Research and promote the introduction/retention of suitable, practical, affordable alternatives to car-based travel for the site – including negotiations with delivery partners.

Liaise with relevant bodies: Local Authority, transport providers, specialist transport consultancies etc and convene and administer any internal steering group sessions.
Manage day-to-day operational and implementation requirements of the agreed travel plan and its initiatives and incentives.

The LHA would ask the Applicant that the travel plan, once approved, is implemented and monitored for no less than five years after occupation.

The preferred system for monitoring is MODESHIFT STARS – the TPC can register at Modeshift.org.uk

The Travel Plan Monitoring Fee required for this site will be the sum of £6,000.
Leicestershire County Council can provide Travel Packs to employees at the cost of £52.85 per pack. If the Applicant wishes to provide these directly a draft will need to be sent to Leicestershire County Council for approval – the fee for this service will be £500.

A free six-monthly Arriva bus pass should be offered to all eligible staff to encourage a switch to alternative modes of transport, to and from the site. This amount should be calculated by the number of employees working at the site, both full time and part time by the number of passes needed. The amount for Arriva six-monthly bus passes is currently £435 per pass.

Date Received
13 August 2024

Case Officer
Victoria Vernon

Reviewer
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Date issued
17 September 2024