PLANNING COMMITTEE LATE ITEM

Committee Date: 12 February 2008	**Item Number: 01**
Reference: 07/01107/FUL	**Applicant: Bellway Homes**
Location: Station Garage Station Road Market Bosworth Nuneaton Leicestershire	

Introduction:-

In reponse to the comments raised by the Director of Highways, Transportation and Waste Management (Highways) the applicants agent has submitted a revised layout and junction layout together with clarification on the matters raised. The agent states:-

"The visibility splay shown on the Planning Layout was taken to the road channel line taken from an OS map, this has been re-aligned so it now falls to the surveyed road channel line, for clarification the Planning Layout has been revised to show this.

The site junction has been carefully positioned after discussion with yourselves so the 2.4m x 90m visibility splay (as agreed) doesn't cross over any 3rd party land. The enclosed Junction Layout shows the Station House title boundary shown hatched and the visibility splay to the site junction falling outside of that land, and therefore within, Highway's Land.

Unfortunately the Highway Statement refers to a previous revision of the site layout. As such the site junction was positioned further to the west and nearer the bridge (as shown on the Junction Layout), consequently the crest of the bridge would have meant the 90m distance would not have been achievable with the junction in that location, giving the 80m distance referred to in the Highway Statement. As the Junction Layout indicates, with the site junction in it's current position the required visibility splay of 2.4m x 90m can be achieved well before the crest of the bridge comes into question.

With regards to the car parking affected by the proposals we can confirm that the parking affected by the access works will be moved to a different part of the Churchill's site made available by a land swap. "

No further clarification on the Churchill car parking has been provided other than the statement above.

Consultations:-

One letter of representation has been received providing information on the use of the Battlefield Line and future proposals for development incorporating railway land. The submission includes draft heads of terms.

One letter of representation has been received which states that the report does not represent a true factural account of the documented history of the site and responds to various elements of the report, concluding:

- In spite of the fact that the land is designated for industrial use it has a history of planning refusals for this use over the last 40 years, all of which have been conveniently omitted from the planners report and this in itself must question its integrity;
- Although the site is designated for employment it has no employment on it and has no prospect of getting it, by the fact that all planning applications that have been made over the last 40 years have all been refused because of access problems;
- With this in mind the current zoning can only be described as a complete sham;
- Therefore we can conclude that there is no possibility of attaining any legal use for the site.

Director of Highways, Transportation & Waste Management (Highways) have responded to the additional highway information submitted and suggests conditions be imposed should planning permission be granted.

Development Plan Policies:-

Appraisal:-

In response to the letter of representation received raising issues with the content of the report the matters are addressed in the sequence contained in the correspondence conclusion:-

- the planning history contained within the report consists of recent and relevant applications;

- part of the site is currently occupied by Station Garage. No record of any recent applications have been submitted for employment use and assessed against the current planning policy guidance and highway guidance;

- no evidence or justification has been submitted with the planning application to demonstrate that the proposed development would not result in the loss of an existing employment site, in accordance with local and national policy. Such information is necessary in determining applications for alternative uses on allocated employment sites.

Recommendation:-

On the basis of the updated comments from the Director of Highways, Transportation and Waste Management (Highways) reason No. 5 be omitted.

REVISED OBSERVATIONS

Leicestershire County Council

PLANNING APPLICATION CONSULTATION RESPONSE

Report of the Director of Highways, Transportation & Waste Management to the Planning Authority relating only to the Highway aspects.

DETAILS OF APPLICATION

Planning Ref No:	2007/1107/04
CE/EN Ref:	Previous on Plan-Con 2006/7059/04 2006/0158/04
AA75	
Application Address:	Station Garage, Station Road, Market Bosworth,
Nuneaton, CV13 0PE	
Parish:	Market Bosworth
Applicant:	Bellway Homes
District Planning Case Officer:	Cathy Horton
Brief Description of Development:	ERECTION OF 24 DWELLINGS.

OBSERVATIONS

(a) On any Improvement lines: None

(b) On Access Arrangements:

New vehicular access:	Yes	**New pedestrian access:**	Yes
Altered vehicular access:	Yes	**Altered pedestrian access:**	Yes

(c) On effect on Rights of Way: No

(d) On any new road proposal: No

(e) On application in general:

21/70 Station Road - C6118 Traffic Sensitive

County Councillor Ivan Donald Ould

RECOMMENDATIONS

Conditions

Any garage doors shall be set back from the Highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does 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.

For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.

For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.

Before the development hereby permitted is first used/ first occupation of any dwelling, car parking provision shall be made within the curtilage of the dwelling/the development site on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

Each individual access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

At each individual vehicular access drive, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety.

Before development commences, visibility splays of 2.4 metres by 90 metres shall be provided at the junction of the access with Station Road. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

Reason: To afford adequate visibility at the junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the Highway boundary and have 2 metres control radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.
NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

Prior to development commencing, details of alternative / replacement car parking facilities for JJ Churchill shall be submitted to the L.P.A for approval. Once approved the new car parking area shall be provided prior to works commencing on the proposed vehicular access road.

Reason: To ensure that adequate off street parking is provided for JJ Churchill as the proposed access road will remove an existing parking area to the front of the premises.

Note to Planning Officer

The amended drawing No 894/20 shows a 2.4m x 90m visibility splay to the north of the access. I am therefore now content to recommend a condition requiring such a splay. The previous Dwg No 894-01 Rev J only showed a 70m splay hence my former recommendation.

Notes to Applicant

All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01455 287202).

C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Area Manager.

If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the highway authority.
In order to provide the visibility splays detailed in condition ??? above, it will be necessary to trim the hedge back to west and maintain it at the highway boundary.

If you intend to provide temporary directional signing to your proposed development, you must ensure that prior approval is obtained from the County Council's Area Manager for the size,

design and location of any sign in the Highway. It is likely that any sign erected in the Highway without prior approval will be removed.
Before you draw up a scheme, the Area Managers' staff (contacts as below) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.
For Blaby, Harborough, Hinckley & Bosworth and Oadby & Wigston Tel: 01455 287202

Date Received	Date Of Inspection	Inspector	Signed Off
29/11/2007		Matt Lennon	11/02/2008