

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: 24/00016/FUL

Highway Reference Number: 2024/0016/04/H

Application Address: Land Adjacent To 12 Newquay Close Hinckley Leicestershire

Application Type: Full

Description of Application:

Change of use of agricultural land to provide 4no gypsy and traveller pitches including day rooms with associated landscaping. (Re-submission 23/00655/FUL)

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mr D Winter

County Councillor: Cllr Michael Mullaney

Parish:

Road Classification: Class A

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 the residual cumulative impacts of the development are severe in accordance with the National Planning Policy Framework (December 2023) and the Local Planning Authority is advised to consider refusal on transport/highway grounds for the reasons outlined in this report.

The LHA advises the following reasons for refusal:

1. This proposal, if permitted, would lead to an intensification of vehicular movements turning onto and off the A47 Normandy Way, which is a busy high-speed road, where the turning manoeuvres could be an additional source of danger to road users, which is not in the interests of highway safety, and is contrary to Policy IN5 of the Leicestershire Highway Design Guide and paragraphs 114 and 115 of the National Planning Policy Framework (NPPF) (December 2023).
2. The applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development contrary to paragraphs 114 and 115 of the NPPF (December 2023).

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) is in receipt of a consultation for a full application for the change of use of land to provide 4no. gypsy and traveller pitches including day rooms with associated landscaping at land adjacent to 12 Newquay Close, Hinckley.

The application is stated to be a re-submission of application reference 23/00655/FUL for identical proposals. The LHA advised refusal of that application on the same grounds as the above within its observations dated 21 August 2023. That application was refused on three grounds by the Local Planning Authority on 25 August 2023, including the two highways' reasons for refusal above, albeit referring to National Planning Policy Framework (NPPF) 2021.

As part of the current application, the Applicant has submitted a Transport Note (TN) prepared by Lennon Transport Planning (Reference PN/00346/23/24, October 26 2023) which responds to the LHA's objections to the previous application.

Site Access

The proposed development would be accessed off the A47 Normandy Way via an existing agricultural access. The LHA must be satisfied that a safe and suitable access can be achieved to the site in accordance with paragraph 114 of the NPPF (December 2023).

Details of the proposed site access arrangements are provided on Lennon Transport Planning drawing number MW/0346/AD/23. The Applicant now proposes to widen the existing access to 6.0m wide and provide a 6.0m junction radii. In addition, swept path analysis of a 4x4 vehicle towing a caravan has been undertaken which details the vehicle arriving and departing from the site in all directions.

Vehicular visibility splays have also been shown on the drawing, based on the 85th percentile speeds detailed by the LHA's response to the previous application. The Automatic Traffic Count results identified 85th percentile vehicles speeds (for 12 hours between 07:00 - 19:00) of 49.4mph westbound and 53.0mph eastbound. The Applicant has not undertaken their own speed survey.

The Applicant has based the visibility splays on Manual for Streets 2 calculations. As advised within the observations for the previous application, LHA does not consider that visibility splays based on Manual for Streets requirements would be appropriate, and the LHA would expect the Applicant to provide visibility splays in accordance with Part 3 Table DG4 of the LHDG. Nevertheless, as advised in response to the previous application, the LHA accepts that splays of 2.4 x 160m based on Part 3 Table DG4 of the Leicestershire Highway Design Guide ([LHDG] available at <https://resources.leicestershire.gov.uk/lhdg>) can be exceeded in each direction and fall fully within the extents of the public highway.

Notwithstanding the above, the Applicant has failed to provide an independent Stage 1 Road Safety Audit and a Designer's response and amended design if required, which would be required to accompany any works within the highway. On this basis, the LHA is unable to consider the site access arrangements in further detail.

Access to the Road Network Policy

The A47, which is a key strategic link between Leicester and the A5 (Hinckley), is a single carriageway road subject to the national speed limit. In the vicinity of the proposed development the A47 has an off-carriageway footway/cycleway and is unlit. Given the nature of the highway in this location, the LHA has concerns on the impact on other road users regarding any intensification use of the access in this location.

When assessing any planning application the LHA must consider its impact on the local highway network against both the NPPF (December 2023) and local guidance, the LHDG.

Given the location of the proposed development, Part 1, Section IN5, 'Our access to the road network policy' of the LHDG is particularly relevant. This section sets out the LHA requirements and principles for new accesses for vehicles or the increased use of existing accesses onto A and B class roads. For the avoidance of doubt, the following extract is taken from paragraph 1.26 Section IN5 of the LHDG:

Access to A- and B-class roads

- 1.26 We will normally apply restrictions on new accesses for vehicles and the increased use of existing accesses on:
- roads with a speed limit above 40 mph (that is 50mph, 60mph or 70mph) or where measured vehicle speeds are in excess of 40mph;
 - roads with a speed limit of 40mph or less which are essentially rural in nature;
 - routes where the access would affect bus-corridor or bus-priority measures being put in place;
 - roads that are at or near capacity (cannot carry more traffic); and
 - roads where there is an existing problem with road safety.

Figure 1: Extract from paragraph 1.26 of Section IN5 of the LHDG.

In terms of Policy IN5, the Applicant has stated within the TN that whilst the A47 is not a trunk road, consideration could be given to Department of Transport Circular 02/2013, '*The Strategic Road Network and the Delivery of Sustainable Development*', published in September 2013. The Applicant states that the document sets out the way in which National Highways will help deliver sustainable development and that Circular 02/2013 sets out a more relaxed approach towards development proposals that affect the strategic road network.

The Applicant concludes in their TN that given the information available and details of the proposed development, National Highways would not seek to resist the planning application.

The LHA are unable to comment on what advice National Highways would provide should the proposals be accessed from a road under their jurisdiction. Nevertheless, it is highlighted that the A47 Normandy Way forms part of the LHA's Resilient Network, whereby it is considered essential for economic activity and key services in the event of extreme weather events, major incidents and other disruption. Because of its importance, Normandy Way is also listed as 'Priority 1' as part of the LHA's winter gritting route.

For information, routes considered within the LHA Resilient Network comprise diversion routes for motorways and dual carriageways or are key access roads to important infrastructure, such as hospitals, food distribution centres, power suppliers and water treatment or pumping stations. The key aim is to ensure that access is maintained on the Resilient Network for traffic at all times, wherever reasonably practicable. Further information can be found via:
<https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/the-resilient-network>.

Additionally, on 23 December 2017, the Government launched a consultation setting out proposals for the creation of a Major Road Network (MRN). The MRN forms a middle tier of the country's busiest and most economically important local authority 'A' roads, sitting between the national Strategic Road Network (SRN) and the rest of the local road network. A specific new funding stream will be dedicated to improvements on MRN roads. It should be noted that this section of the A47 is part of the MRN and it is therefore important that it functions as a strategic link.

Finally, the LHA is also aware of a recent radio article (<https://www.bbc.co.uk/programmes/p0h3pj5n>), which identifies the A47 in Hinckley as one of four areas in the County where there are particular concerns with the links used for street races.

Traffic Survey

As advised as part of the previous application, LHA has checked its own database for this section of the A47. An Automatic Traffic Counter (ATC) was in place approximately 35m to the west of the site access in March 2023.

The 12 hour counts for one week in March 2023, which is currently the latest data available, show there were a total of between 12,615 and 13,653 two-way movements over a 12 hour period (07:00 – 19:00). Tables 1- 3 summarises the typical AM, PM and 12-hour flows.

	Eastbound Flows 08:00 – 09:00	Westbound Flows 08:00 – 09:00	Two-way total
Monday 27 th March 2023	616	707	1323
Tuesday 28 th March 2023	629	717	1346
Wednesday 29 th March 2023	616	725	1341
Thursday 30 th March 2023	605	719	1324
Friday 31 st March 2023	603	696	1299

Table 1: AM peak hour flows at proposed access.

	Eastbound Flows 08:00 – 09:00	Westbound Flows 08:00 – 09:00	Two-way total
Monday 27 th March 2023	757	666	1423
Tuesday 28 th March 2023	747	669	1416
Wednesday 29 th March 2023	765	669	1434
Thursday 30 th March 2023	777	690	1467
Friday 31 st March 2023	742	589	1331

Table 2: PM peak hour flows at proposed access.

	Eastbound Flows 07:00 – 19:00	Westbound Flows 07:00 – 19:00	Two-way total
Monday 27 th March 2023	6405	6210	12615
Tuesday 28 th March 2023	6559	6474	13033
Wednesday 29 th March 2023	6530	6502	13032
Thursday 30 th March 2023	6721	6583	13304
Friday 31 st March 2023	6863	6790	13653

Table 3: 12 hour flows (07:00 - 19:00) at proposed access.

The ATC demonstrates that the A47 is a highly trafficked road, which can be expected given its status as both part of LCC's resilient network and part of the MRN.

Trip Generation

The LHA previously advised it was aware of an identical size development where it undertook its own traffic count on Tuesday 14 and Wednesday 15 June 2022, to ascertain the level of trips that development generated. The results indicated between 29 – 35 daily trips used the access to that site. The Applicant has 'generally accepted' this and does not dispute the proposals would likely lead to an intensification in turning traffic at the site access.

It has been highlighted within the TN that the likelihood of vehicles towing caravans would be extremely low as families would be using the site on a fixed residential basis, rather than the site being used as a 'transit' site. Nevertheless, the LHA advises that concerns remain in respect of the proposals creating an intensification in use of an access on to a highly trafficked road with speeds of more than 40mph, which is contrary to Paragraph 1.26 of Policy IN5 referenced above.

Highway Safety

Based on available records to the LHA, there has been one recorded Personal Injury Collision (PIC) within 500m of the site access on Normandy Way within the last five years. This occurred in January 2020 and was recorded as slight, involving four vehicles including a right turning vehicle at the junction of Normandy Way with Cornwall Way.

A total of seven PIC's have occurred at the signalised junction of Normandy Way with Ashby Road (A447/ B4667), which included one serious and six slight.

This adds to the LHA's concerns that the proposals could be of detriment to highway safety.

Internal Layout

Kevin Todd Architectural Ltd drawing number 2023031-PL-010 Rev. A provides details of the internal layout of the site. The LHA is satisfied that there would be sufficient space for vehicles to park within the site and that the proposals are unlikely to generate vehicle parking within the highway. It is also considered that there is sufficient space for vehicles to turn within the site to allow access and egress in a forward gear.

Transport Sustainability

The site is an approximate 690m walk from bus stops served by regular bus services between Nuneaton and Leicester. The Applicant has provided isochrones highlighting the 1.0km and 2.0km walking areas from the site. It has been highlighted that several facilities are within a 2km walk of the site.

Closing

When considering all the above, the LHA advises it continues to have highway safety concerns regarding increased turning movements on/off the existing access from the A47 Normandy Way. Therefore, the LHA would ask the LPA to consider refusing the planning application for the reasons outlined above.

Date Received
15 January 2024

Case Officer
Ben Dutton

Reviewer
AW

Date issued
29 February 2024