

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: 23/01229/OUT

Highway Reference Number: 2023/1229/04/H

Application Address: Land East Of The Common Barwell Leicestershire

Application Type: Outline (with access)

Description of Application:

Outline Planning application for up to 95 dwellings with associated access, open space and landscaping following demolition of all buildings on site

GENERAL DETAILS

Planning Case Officer: Laura Ashton

Applicant: Ms Ashleigh Genco

County Councillor: Ross Hills

Parish: Barwell

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 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 by the Local Planning Authority (LPA), Hinckley & Bosworth Borough Council (HBBC), an outline application for the erection of 95 dwellings at land east of The Common, Barwell. All matters other than access are reserved at this stage.

The Applicant has submitted a Transport Assessment (TA) and Travel Plan (TP) both dated 13th December 2023 and authored by Stantec in support of the proposed development.

The LHA is aware of application reference 21/01470/OUT for the construction of 110 dwellings at the same site. The Applicant appealed those proposals on the grounds on non-determination (appeal reference APP/K2420/W/22/3295558). Despite initially requesting additional information in respect of the proposals, on the basis of the appeal the LHA advised refusal on the grounds that the Applicant had failed to demonstrate any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, could be mitigated, contrary to paragraph 110 of the National Planning Policy Framework 2021 (the current NPPF at the time). That appeal was dismissed on 27th March 2023.

The LHA is also aware of application reference 17/00531/OUT for the construction of up to 185 dwellings at the same site. While the LHA advised no objection to the proposals subject to conditions and contributions, that application was refused by the Local Planning Authority (LPA). The LPA's decision notice included a reason for refusal on highway safety grounds and it is noted that the Applicant appealed the LPA's decision. The highway reason for refusal was not however pursued by the LPA at the appeal.

Site Access

Details of the proposed site access arrangements are provided on Stantec drawing number 332610546/5501/001 Rev P03. The site access is proposed off The Common which is an unclassified road, where the speed limit changes from 30mph to 40mph at the proposed access location. The Applicant has proposed a reduced access width (5.50m) and junction radii (6.0m) in comparison to the previous application. The Applicant has stated within Paragraph 5.3.5 of the TA that a Stage 1 Road Safety Audit (RSA1) is currently being undertaken on the access arrangements by Acorn Projects Limited. The Applicant has also stated that following receipt of the RSA1, any issues identified by the auditor will be addressed and a designer's response prepared to response to any comments and additional drawing prepared if applicable. The LHA advise that the RSA1 is required before commenting further on the site access arrangements.

As per the previous application, the Applicant is proposing to reduce the speed limit from 40mph to 30mph and provide traffic calming along the site frontage, which was accepted by the LHA. The LHA advise the relocation of the 30/ 40mph signage, including a Traffic Regulation Order, would require a contribution of £12,995 . The Applicant also intends to extend the existing footway along the eastern side of The Common from outside No. 85 and it has been highlighted that footway would need to narrow briefly to 1.5m to avoid an existing third party tree outside No. 89 as per the previous application.

It should be noted that the proposed traffic calming, and cycle lanes would be subject to public consultation and therefore the design could change following this exercise. Any costs associated with the public consultation would be the Applicant's responsibility.

The LHA note that the proposed footway/ cycleway would impact an existing highway tree (LCC ID, 402025 [Paul's Scarlet thorn]) which is situated within the verge to the West of The Common. This tree was planted after the previous tree in that location died and was therefore not identified as part of application 21/01470/OUT. The LHA advise that it is likely to seek the cost for the trees removal and replacement, along with the cost of with an additional two trees planted within the existing highway corridor and an aftercare period of 36 months post planting for each tree.

Highway Safety

The Applicant has obtained Personal Injury Collision (PIC) data from Leicestershire County Council for a period between 1st January 2018 – 11th July 2023. The study area includes The Common, Chapel Street and the Chapel Street/ High Street/ Stapleton Lane/ Shilton Road mini roundabout as well as the A47 between the A47 Normandy Way/ A447 Ashby Road junction and the Leicester Road/ A47 Clickers Way roundabout. Table 1 details a summary of the PICs recorded extracted from the TA:

	Injury Severity	Year						Total
		1	2	3	4	5	6*	
All Modes	Fatal	0	0	0	0	0	0	0
	Serious	2	1	1	2	1	0	7
	Slight	4	3	7	3	2	1	20
	Sub Total	6	4	8	5	3	1	27
Pedestrian/ Cyclists	Fatal	0	0	0	0	0	0	0
	Serious	0	1	0	0	0	0	1
	Slight	0	1	1	0	0	1	3
	Sub Total	0	2	1	0	0	1	4

Source: LCC, August 2023

*Year 6 is not a full 12-month year as it equates to 7 months of 2023 between January and July.

Table 1: PIC summary.

The LHA has reviewed the PIC analysis within paragraphs 4.5.8 to 4.5.20 of the TA. In addition to the PIC's considered by the Applicant, the LHA is aware of two further PIC's which have occurred in the study area.

The first PIC occurred in July 2023 on The Common, approximately 180m north of the site access and was recorded as slight. This involved two vehicles travelling in opposite directions. The second PIC occurred at the A47 Normandy Way/ The Common/ B4668 Leicester Road roundabout and was recorded as serious. This involved two vehicles.

It is noted that there have been no recorded PICs within the vicinity of the site access, however there have been 11 at The Common/ A47 roundabout and nine at the A447/ A47 signalised junction. While the LHA accepts the extents of the PIC analysis, further advice will be provided by the LHA following updated capacity assessments as detailed below.

Trip Generation and Distribution

The Applicant has used TRICS to predict the approximate level of vehicular trips the proposed residential development could generate. The same trip rates as per applications 17/00531/OUT and 21/01470/OUT have been used. The predicted trips are detailed in Table 2 below, extracted from the TA.

Time Period	Vehicular Trip Generation (95 dwellings)		
	Arrivals	Departures	Two Way
AM Peak Hour (0800-0900)	17	52	69
PM Peak Hour (1700-1800)	45	24	69

Source: Consultants calculation. Includes Excel rounding.

Table 2: Vehicular trips, 95 dwellings.

The LHA consider the proposed trip rates and corresponding vehicle trip generation to be acceptable.

Trip distribution and assignment has also been based on the same methodology accepted by the LHA as part of application references 17/00531/OUT and 21/01470/OUT. Trip distribution was based on 2011 Census data for the Hinckley & Bosworth 007 Middle Super Output Layer. This is accepted by the LHA.

Junction Capacity Assessments/ Off-Site Implications

To establish whether the proposals are likely to have an impact on key junctions surrounding the site, the Applicant has undertaken capacity assessments at the following junctions:

1. Chapel Street / High Street / Shilton Road / Stapleton Lane Priority controlled mini roundabout
2. A47/ The Common / B4668 Leicester Road priority-controlled roundabout
3. A47 / Leicester Road priority-controlled roundabout;
4. A47 / A447 Ashby Road / B4667 Ashby Road signalised junction; and
5. The Common / Proposed Site Access junction.

These are the same junctions as previously assessed by the Applicant and therefore considered to be acceptable.

Traffic counts were undertaken at each junction on Wednesday 6 October 2021 and the peak hours were identified to be 07:45 - 08:45 and 16:45 - 17:45.

The following committed developments have been considered by the Applicant:

- **Westfield Farm (14/01279/OUT) - 350 dwellings, 0.6 ha of employment and expansion of community facilities.**

The Applicant has advised this site is currently under construction with 58 dwellings completed in 2020/21 and based on projections a further 30 will have been completed between April and October 2021. On this basis it has been assumed that 25% of the dwellings have been completed and the traffic flows have been adjusted accordingly to avoid double counting existing traffic from the development on the network.

- **Lane North-East of Triumph Motorcycle Limited (15/00188/OUT) - 850 dwellings, 500m2 retail units, a primary school and community facilities.**

The Applicant has advised construction has begun on this site however only a small number of dwellings have been completed to date. Therefore, for a robust assessment all traffic flows from this development were included within the assessment.

- **Land West of Clickers Way, Earl Shilton (20/01225/FUL) - 81 dwellings.**

Whilst the application has not been determined by the Local Planning Authority, the Applicant has included the proposed development for a 'robust' assessment.

- **Land North Of Hill Top Farm, Hill Top, Earl Shilton (21/00135/OUT) - 140 dwellings.**

Application permitted as of July 2022

- **Ashby House, Hill Top Farm, Hill Top, Earl Shilton (20/00916/FUL) - 50 dwellings.**

Application permitted as of November 2022

- **New Barn Farm, Kirkby Road, Barwell (22/00121/FUL) - 92 dwellings.**

Whilst the application has not been determined by the Local Planning Authority, the Applicant has included the proposed development for a 'robust' assessment.

- **Land North Of A47 Normandy Way And East Of Stoke Road, Hinckley (23/00432/OUT) - 475 dwellings.**

The Applicant has stated that the application had not been determined by the Local Planning Authority but the proposals have been included for a robust assessment. The LHA is aware the application was allowed at appeal (ref APP/K2420/W/23/3323113) on 18th January 2024.

As part of application 21/01470/OUT, the LHA advised consideration should be given to both Barwell and Earl Shilton SUE's. Both SUE's are allocated sites within the HBBC Local Plan, and both are subject to planning application submissions. As per the previous application, the Applicant has considered both developments and provided housing trajectories which were confirmed by the LPA to be acceptable. The LHA therefore accepts the Applicant has considered nearby developments.

Baseline traffic flow data collected by the Applicant has first been adjusted to take into account Covid-19 uplift factors and then uplifted to a baseline year of 2024 and future year of 2035 using TEMPro traffic growth factors. The LHA request clarity as to why a future year of 2035 has been used as opposed to 2029. Given the scale of development the LHA would usually expect a future year assessment of five years on from the year the application was submitted. This would also be more consistent with other live planning applications in the area and therefore it is requested the Applicant assesses a future year of 2029 unless there are specific reasons why the development could take 11 years to be fully built out, should planning permission be granted.

The Applicant has also stated within paragraph 7.5.2 of the TA that growth assumptions have been adjusted to account for the committed developments that have been manually added to the assessment listed above. No clarification has been provided on what adjustments have been made. Further clarification would be required in respect of alternative assumptions applied in order for the LHA to consider accepting traffic growth factors.

Notwithstanding the lack of clarity in respect of traffic growth factors, the LHA has reviewed the traffic flow diagrams and otherwise considers these to be acceptable. The LHA will consider the junction modelling further once clarity has been provided in respect of the future year of assessment and what growth assumptions have been applied to the TEMPro traffic growth factors.

Whilst the LHA has yet to review the modelling in detail, the LHA note that the Applicant has accounted for unequal lane usage at Junction 2, which was raised as part of the previous application. In addition, the Applicant has acknowledged that Junction 4 operates over capacity in both the current and future year scenarios. As part of the previous application, the LHA advised it did not have an improvement scheme identified for the junction and that the Applicant would need to demonstrate that the impact of the proposed development could be mitigated. Leicestershire County Council are continuing to investigate a potential improvement scheme for the junction and it is now likely that the LHA will require a contribution from the proposed development towards an improvement scheme, which will be in proportion to the impact and scale of the development proposed.

Internal Layout

The internal layout of the development is not for consideration at this stage and therefore the indicative plans have not been considered in detail.

The LHA advise that should the proposals be granted planning permission by the LPA, the internal road network, along with car parking and garage provision should be designed to an adoptable standard and in accordance with the Leicestershire Highway Design Guide ([LHDG], available at <https://resources.leicestershire.gov.uk/lhdg>).

Transport Sustainability

The Applicant has submitted a TP dated 13 December 2023. This has been reviewed and is accepted in principle by the LHA. The following comments should however be noted:

- As the travel plan is a living document it must be noted that the maps provided at 3.2.2 and 3.3 are insufficient and hard to decipher, as the plan evolves over its lifespan, these should be replaced with clearer, more detailed images so these can be utilised as intended i.e. for an easy point of reference.
- The measures set out in the table at 8.2.1 include some good initiatives, however there needs to be a firmer commitment to delivery, as the plan evolves, along with committed timescales. As initial surveys are undertaken, and data is collated there is an expectation that from there the measures will be firmed up in terms of delivery.
- As specified in the TP, once appointed the name and full contact details of the Travel Plan Co-ordinator should be provided to Leicestershire County Council at S106monitoring@leics.gov.uk . LCC will then monitor the work of the TPC on the delivery of the Travel Plan. There will also need to be details provided of which TPC will take the lead role across the development in the delivery of the residential travel plan.

The LHA advise that should it be in a position to advise approval of the proposals in the future, it is likely to require 1 x travel pack per household (currently at a cost of £52.85 or the developer can produce their own but will need to be assessed by LCC with an administration cost of £500), and 2 x six month bus passes (currently £510 per pass for an Arriva service) per dwelling, along with potentially the provision of raised kerbs at the nearest two bus stops to the site. These contributions would be requested as part of a S106 agreement.

In addition, the LHA will require the Applicant to provide raised kerbs and new bus stop flags at the nearest bus stops to the site (ID's 2421 and 2422) on The Common prior to occupation of the first dwelling.

Public Rights of Way

While there are no public rights of way through the site, based on the submitted Illustrative Masterplan (UDB drawing number 4001G), the Applicant is proposing both a pedestrian link and a pedestrian/ cycle link through to Dawsons Lane, which would link to Public Rights of Way U32, U74 and U100, which is welcomed.

The landowner of the application site is presumed to own half of the land under Dawson's Lane extending out to the centre line of the lane, under the common law 'ad medium filum' presumption. In this situation the applicant is requested to repair any potholes on the southern half of the lane particularly those near the proposed pedestrian access which might otherwise be a trip hazard for future site residents using that access. Dawson's Lane is subject to a 30mph speed limit and only sections of the road are adopted by LCC.

Closing

The LHA requires the Applicant to submit additional information to the LPA in respect of the following points for further consideration by the LHA:

- An RSA1 of the site access proposals and off-site works, along with a designer's response and amended drawing if required;
- Clarity in respect of the why the proposed future year assessment is 2035 as opposed to 2029 and adjustments to 2029 if necessary; and
- Clarity in respect of alternative assumptions applied in order for the LHA to consider accepting traffic growth factors.

Date Received
11 January 2024

Case Officer
Ben Dutton

Reviewer
BD

Date issued
29 February 2024