

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: P/24/0258/2

Highway Reference Number: 2024/0258/02/H

Application Address: Brand Hill House Brand Hill Woodhouse Eaves Leicestershire LE12 8SX

Application Type: Full

Description of Application: Installation of track and use of existing vehicular access point and the track for access to existing dwellinghouse with associated works (Retrospective)

GENERAL DETAILS

Planning Case Officer: Lewis Marshall

Applicant: Mr Gurdev Mattu

County Councillor: Cllr Deborah Taylor

Parish: Bradgate

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 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 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) is in receipt of application P/24/0258/2 which seeks retrospective planning permission for the use of an existing vehicular access to serve Brand Hill House, Brand Hill, Woodhouse Eaves.

The LHA understand that the existing vehicular access currently serves an area of woodland (known as Hunger Hill Wood), that is under the ownership of the Applicant and at the rear of Brand Hill House. As part of the proposals the Applicant intends to install a track within private land between the access and Brand Hill House and then close an existing residential access.

The LHA has reviewed the following documentation submitted in support of the application.

- Planning Application Form submitted to the Local Planning Authority (LPA) 13th February 2024;
- rg+p, 'Site Location Plan', drawing No. 101-925/(P)100A;

- Knights, Planning and Heritage Statement created February 2024;
- rg+p, 'Proposed Site Plan', drawing No. 101-925/(P)102C;
- SCP, 'Transport Technical Note' (TN) created 15th March 2024, document ref, MD/220198/3.

Planning History

The LHA would like to highlight the following previous planning applications relating to the site.

- Application P/22/0771/2 was for a similar proposal to the current application. In the response issued 19th July 2022, the LHA requested further information regarding visibility splays and the closure of the access that would become redundant as part of the proposals. This application was refused by the LPA on the 28th July 2022 on the grounds of the proposals having an unacceptable impact on the countryside and also due to a failure to demonstrate that the access was safe and suitable.

The Applicant then appealed against the refusal decision. The appeal was dismissed by the Planning Inspectorate on 20th March 2023. It is of note that the Planning Inspector deemed the proposal acceptable in highway safety terms however this did not outweigh the other refusal reasons regarding character and appearance.

- Through application reference. P/23/1857/2 the access that is the subject of this application was approved by the LPA on 20th December 2023 to be used to serve the track leading to Hunger Hill Wood. The proposal included the gates and fencing that are presently in situ. The LHA were not consulted on this application.

Site Access

Brand Hill House has two existing access points. The Applicant proposes to close the southern access and transfer the residential trips to the adjacent access that serves Hunger Hill Wood and a paddock area. All accesses lead onto Brand Hill which is an adopted, 'C' classified road subject to a 30mph speed limit. No changes are proposed to the northern residential access.

Drawing No. 101-925/(P)102C shows the Hunger Hill Wood access to be at least 4.0m wide for the first 5.0m from the carriageway with inward opening gates setback approximately 4.0m from the public footway and approximately 6.0m from the carriageway.

The Applicant conducted a speed survey between the 24th February 2024 and 1st March 2024 to determine the 85th percentile speed of passing traffic. The LHA note that a permit was obtained from Leicestershire County Council for the period between 21st February and 29th February 2024. Therefore the data captured on 1st March 2024 was done so without a valid permit. Notwithstanding this, given that the majority of the survey was conducted under a valid permit the LHA is satisfied to rely on the submitted data.

The speed survey captured an 85th percentile eastbound speed of 40mph and an 85th percentile westbound speed of 41mph. As to be in accordance with Part 3, Table DG4 of the Leicestershire Highway Design Guide (LHDG) a visibility splay of 2.4m by 65m to the west of the access is required and a splay to the east of 2.4m by 120m is required.

Given the recorded westbound vehicle speed of 41mph the LHA deem it appropriate to apply the Design Manual for Roads and Bridges desirable minimum Stopping Sight Distance calculation to

determine the required visibility splay to the east. Using a two second reaction time and a deceleration rate of 2.45 sq. metres/ second a splay of 2.4m by 107.5m is required to the east.

Drawing No. SCP/220198/D01 Rev. B (contained within the TN) shows that the access proposed to be closed (the southern residential access) provides a visibility splay of 2.4m by 43m to the east and 2.4m by 10m to the west.

SCP drawing No. SCP/220198/D01 Rev. B also shows that the access serving Hunger Hill Wood offers visibility splay of 2.4m by 43m in either direction.

Notwithstanding the DMRB calculation above, whilst neither access provides visibility splay in accordance with Part 3, Table DG4 of the LHDG it is evident that the Hunger Hill Wood access offers greater visibility splay than the access that is proposed to be closed.

It is noted that the gates on the Hunger Hill Wood access are setback further from the carriageway in comparison to the gates at the access that is proposed to be closed. SCP drawing No. SCP/220198/D02 (contained within the TN) also shows the provision of 2.0m by 2.0m pedestrian visibility splay which are not provided at the access that is proposed to be closed.

The LHA is satisfied that the proposed access is of a better design and safer than the access that is proposed to be closed as it offers greater vehicular and pedestrian visibility along with having gates setback further from the carriageway.

Whilst the proposed development does represent an intensification of an existing access given that Brand Hill House has another access the level of intensification will not be significant and the closure of any access onto the public highway represents a highway safety gain.

The LHA do advise that the area between the back of the footway and the gates should be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate). This should be secured via a suitable condition should the LPA be minded to grant approval of the planning application.

The LHDG can be accessed via <https://resources.leicestershire.gov.uk/lhdg>.

Highway Safety

There has been no recorded Personal Injury Collisions within 500m in all directions of the site in the previous five years. Therefore, the LHA has no pre-existing highway safety concerns at this location.

Conditions

1. No part of the development hereby permitted shall be implemented until such time as the access arrangements shown on rg+p drawing number 101-925/(P)102C have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

2. No part of the development hereby permitted shall be implemented until such time as vehicular visibility splays of 2.4m metres by 43m metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (December 2023).

3. No part of the development hereby permitted shall be implemented until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (December 2023).

4. The development hereby permitted shall not be implemented 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 5.0 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 (December 2023)

5. The vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access on Brand Hill (southern residential access) that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (December 2023).

Informative

- Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

Date Received
7 June 2024

Case Officer
Simon Herbert

Reviewer
GG

Date issued
28 June 2024