

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/20/2380/2

Highway Reference Number: 2020/2380/02/H/R5

Application Address: Barkby Road Queniborough Leicestershire

Application Type: Outline (with access)

Description of Application:

Re-consultation. Further observations. Outline application for up to 150 dwellings, together with new open space, landscaping and drainage infrastructure, with all matters reserved except for access.

GENERAL DETAILS

Planning Case Officer: Mark Pickrell

Applicant: David Wilson Homes

County Councillor: Cllr James Poland

Parish: Queniborough

Road Classification:

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 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been re-consulted on an outline application for up to 150 dwellings, together with new open space, landscaping and drainage infrastructure, with all matters reserved except for access. The site is located at Barkby Road Queniborough.

The current re-consultation is on the basis of the submission of an off-site mitigation scheme which was the subject of condition 3 in the LHA's response dated 27th August 2021.

In its previous comments dated 4th August 2022, the LHA reviewed the Arboricultural Impact Assessment (AIA) & Method Statement prepared by FPCR Environment and Design Ltd dated May 2022 Rev A. The LHA had a number of comments which included the following:

- The LHA advised that if the two sycamore were removed, Leicestershire County Council (LCC) would require six new trees with a total contribution of £2,700.00 from the Applicant;
- The LHA recommend that a member of LCC's Forestry & Arboriculture Group be present during construction activity;
- The use of an air spade and or vacuum excavation will be used to expose rooting material within the existing grass verge. This will then be treated accordingly by the Arboricultural Clerk of Works under the presence of a member of LCC;
- The LHA requested that plans submitted be changed to show that T12 is to be retained and not removed. Alternatively, the Applicant must provide suitable remuneration in the form of the tree's full CAVAT value of £14,000.00.

The Applicant should refer to the LHA's previous response for detailed comments.

These highway observations are in response to the following documents which have now been submitted to Charnwood Borough Council in support of this planning application:

- Cover Letter prepared by FPCR dated 19th August; and
- Arboricultural Impact Assessment (AIA) & Method Statement prepared by FPCR Environment and Design Ltd dated August 2022 Rev B.

Having reviewed the revised AIA, the LHA and LCC's Forestry team are satisfied with the proposed works and note the Applicant has accepted LCC's requests as mentioned above.

The details of the no-dig footpath are acceptable for the purposes of the planning approval. They would naturally be scrutinised further, and if necessary amended at the S278 detailed design stage. As mentioned previously, this arrangement would likely attract a commuted sum.

The LHA therefore have no objection to the mitigation scheme and advise of the same conditions and contributions as previously but with an updated off site highway works condition.

Conditions

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing ADC1659-DR-001 Rev P2 have been implemented in full. Visibility splays once provided 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 ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, 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 (2021).

2. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

3. No part of the development shall be occupied until such time as the offsite works shown on Tree Protection Plan drawing number 8151-T-03 Rev A have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

4. The development hereby permitted shall be carried out in accordance with the Travel Plan ADC1659-C which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).

5. No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction, fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers (attached for information). Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

REASON: to protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

6. The Public Footpath should comprise of 2-meter wide tarmacadam surface with 1-meter wide grass verges either side in accordance with the County Council's Guidance Notes for Developers.

REASON: to provide an all-weather route in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

7. Where a Public Right of Way crosses a Carriageway, drop kerbs should be installed at the crossing points.

REASON: to improve access for all in the interests of protecting and enhancing Public Rights of Way and access and providing better facilities for users in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

8. No trees or shrubs should be planted within 1 metre of the edge of the Public Right(s) of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

Reason: to prevent overgrowth of the path in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

9. Prior to construction, changes to existing boundary treatments running alongside the Public Right of Way, must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

REASON: in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

10. Prior to first occupation any existing Public Right of Way furniture within the development boundary should be improved or removed if appropriate, in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

REASON: to improve access for all in the interests of protecting and enhancing Public Rights of Way and access and providing better facilities for users in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

11. Prior to the completion of the development, a signing scheme in respect of the Public Right(s) of Way, should be formulated by the developer and approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

REASON: to ensure the path is easy to follow through the development in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

12. Improvements to Public Footpath I84 between the development site and Avenue Road.

REASON: to improve access for all in the interests of protecting and enhancing Public Rights of Way and access and providing better facilities for users in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

Contributions

To comply with Government guidance in NPPF and commensurate with Leicestershire County Council Planning Obligations Policy the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets,

and reducing car use:
The provision of;

- a) Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- b) Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £510.00 per pass).
- c) Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures, as well as monitoring and implementation of remedial measures.
- d) This travel plan will be monitored by LCC officers for the five-year duration of its life. Fees for this service are set at £6,000 for a full travel plan.
- e) Improvements to Public Footpath 184 between the development site and Avenue Road.
- f) Raised kerb provision at the nearest two bus stops Syston Rd (adjacent Barkby Rd) – 260007805 and at Syston Road (opposite Avenue Rd) - 260007804 at a cost of £3,500 per stop to support modern bus fleets with low floor capabilities.

Justification: In the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use, to enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement and to ensure effective implementation and monitoring of the Travel Plan submitted in support of the Planning Application.

Informative

Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk

Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.

Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.

If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

Date Received
2 September 2022

Case Officer
Suraj Dave

Reviewer
AW

Date issued
16 September 2022