

## **UPDATE SHEET**

### **PLANNING COMMITTEE – 12 November 2024**

**To be read in conjunction with the  
Report of the Head of Planning and Infrastructure to Planning  
Committee**

- (a) Additional information received after the publication of the main reports;**
- (b) Amendments to Conditions;**
- (c) Changes to Recommendations**

**A1      23/01277/OUTM      Demolition of nos. 137 and 139 Church Lane and the redevelopment of the site to provide 13 dwellings with associated works (outline, means of access, layout and scale for approval).**

137 and 139 Church Lane, Whitwick.

**Additional Information**

Councillor Barker (the Ward Member) has provided the below images:







Such photos are supplied by Councillor Barker as a means of showing the parking of vehicles on both sides of Church Lane at a “quiet time” with it is also being outlined that Church Lane is used as a ‘rat run’ between North Street and the junction of Brooks Lane.

An additional third party representation has also been received objecting to the application, the contents of which would be summarised as follows:

- The proposed development will impact adversely on the highway network given the overall number of vehicular movements which would be created, as well as the existing constraints associated with Church Lane.

A full copy of the representation received is available to view on the District Council’s website.

The following questions/queries were raised by Members at the Technical Briefing on the 7<sup>th</sup> November 2024 in relation to the proposed development.

- 1) The Automatic Traffic Count (ATC) was undertaken from Good Friday (2023) and wholly during the Easter school holidays and therefore should not be relied upon for the purposes of establishing the adequacy of Church Lane, Whitwick to accommodate further vehicular movements.

- 2) The Committee Report outlines that a site visit by the County Highways Authority (CHA) was undertaken on the 24<sup>th</sup> October 2023. What time was such a site visit undertaken? And was this site visit during the October school holiday?
- 3) Are the CHA satisfied that on-street parking does not compromise vehicular movements along Church Lane? And that the District Council's waste vehicle can manoeuvre at the site access and pass easily along Church Lane?
- 4) Would the creation of 13 additional dwellings result in adverse impacts to the highway network given the number of vehicular movements already undertaken on Church Lane?
- 5) Would a refusal of the application on highway grounds be defensible should the applicant appeal such a decision by the District Council?

### **Officer comment**

#### *Councillor Barker Representation*

The first of the images supplied by Councillor Barker shows the Council's waste vehicle on Church Lane within the vicinity of no. 152 Church Lane with the vehicle travelling eastwards along the highway.

The subsequent two images show on-street parking within the vicinity of Whitwick cemetery and the commercial premises on Church Lane which are in excess of 280 metres to the east of the proposed vehicular access into the application site.

Any issue associated with the presence of the Council's waste vehicle on Church Lane are outlined in response to Members questions/queries 2) and 3) below. Issues associated with the presence of parked vehicles on Church Lane and the 'rat-running' of vehicles via Church Lane are addressed in the 'Accessibility' section of the Committee Report.

#### *Third Party Representation*

In terms of the additional third party representation received, it is considered that the 'Accessibility' section of the Committee Report addresses the contents of the representation received.

#### *Members Questions*

Contact was made with the County Highways Authority (CHA) to answer the questions/queries raised by Members at the Technical Briefing.

- 1) The Automatic Traffic Count (ATC) was undertaken from Good Friday (2023) and wholly during the Easter school holidays and therefore should not be relied upon for the purposes of establishing the adequacy of Church Lane, Whitwick to accommodate further vehicular movements.

The response previously provided by the CHA to Councillor Gillard on the 17<sup>th</sup> November 2023, who raised the same query, was directed to Members following the conclusion of the Technical Briefing.

The CHA's position on this matter remains the same as stated in the response to Councillor Gillard, in that the timing of the ATC was acceptable. Overall traffic volumes were not required for the scale of development proposed as part of the application (see the response to Members questions/queries 4) below) and therefore the CHA required



information on the speed of vehicles passing within the vicinity of the site in order to determine the length of the visibility splays required either side of the proposed access.

On this basis the date of the ATC would have a negligible impact on the overall data collected, with the CHA being of the view that vehicles would likely travel at a greater speed where there are less obstructions present on the highway (i.e. there may be less vehicles parked on Church Lane when the school is closed).

- 2) The Committee Report outlines that a site visit by the County Highways Authority (CHA) was undertaken on the 24<sup>th</sup> October 2023. What time was such a site visit undertaken? And was this site visit during the October school holiday?
- 3) Are the CHA satisfied that on-street parking does not compromise vehicular movements along Church Lane? And that the District Council's waste vehicle can manoeuvre at the site access and pass easily along Church Lane?

The CHA has outlined that their site visit on the 24<sup>th</sup> October 2023 was undertaken at around 15:00 (14:54 to be exact) and was during the school term time, with the first day back from the October half term being Monday 23<sup>rd</sup> October 2023.

For clarity the main purpose of the site visit was to determine if suitable visibility was achievable at the site access and at the time of the site visit on-street parking within the vicinity of the site access was relatively low as indicated in the following images supplied by the CHA which were taken at the time of their site visit.





For reference the yellow car identified in the second of the images (as above) is the vehicle of the relevant officer of the CHA.

Notwithstanding the status of on-street parking at the time of their site visit, the consultation response of the CHA has accounted for the nature of the visibility provided should on-street parking be present, with swept path analysis demonstrating that the Council's waste vehicle can manoeuvre into and out of the proposed site access even if on-street parking is present opposite the access junction.

The temporary 'obstruction' of Church Lane at the time the Council's waste vehicle is emptying waste receptacles (as shown in the first image supplied by Councillor Barker above) would not be materially different to that which may occur on any other highway within the district where on-street parking is present. It is also the case that any such movement would be once a week and therefore would not have a frequency where an unacceptable impact to highway safety, or a severe impact to the highway network, would occur. It is considered that the proposed development would not further increase the time the Council's waste vehicle would 'obstruct' Church Lane given that the Council's waste vehicle would enter the development site to collect the waste



receptacles associated with the proposed dwellings rather than such waste receptacles being collected from a bin collection point on Church Lane itself. On this basis the existing temporary 'obstruction' of Church Lane by the Council's waste vehicle would not be materially different to that which would occur should outline planning permission be granted and in many ways there may be a reprieve whereby vehicle flow improves when the Council's waste vehicle is undertaking collection within the application site.

- 4) Would the creation of 13 additional dwellings result in adverse impacts to the highway network given the number of vehicular movements already undertaken on Church Lane?

The CHA has outlined that they typically only require a further assessment of the impact of the proposed development to the highway network if it leads to more than 30 vehicle trips in any peak period (AM – 08:00 to 09:00 and PM – 17:00 to 18:00). The proposed 13 dwellings are well below the 'typical' threshold and therefore the CHA has no concern associated with the proposed impact the development would have to the surrounding highway network.

For reference the trip rates/generation accepted by the CHA as part of the proposed development are as below:

Time Period	Trip Rates (per unit)		Trip Generation (13 units)		
	Arrive	Depart	Arrive	Depart	Total
AM Peak (08:00 – 09:00)	0.250	0.341	3	4	7
PM Peak (17:00 – 18:00)	0.364	0.239	5	3	8

- 5) Would a refusal of the application on highway grounds be defensible should the applicant appeal such a decision by the District Council?

At the Technical Briefing, Members expressed concern about the timing of the ATC starting on Good Friday and being wholly during the Easter 2023 school holidays and asked if a reason for refusal could be justified. It was advised by Officers at the Technical Briefing that this matter had been previously raised with the CHA, following concerns raised during the consultation period, and they remained satisfied with the timing of the ATC (which is as addressed in the response to Members questions/queries 1) above).

As such, Officers are of the view that a reason for refusal based on the timing of the ATC would be very difficult to defend at appeal should the application be refused on highway grounds.

Regard should also be given to the terms of Paragraph 115 of the NPPF which makes it clear that an application should only be refused on highway grounds if the impacts to highway safety are “unacceptable” and where the cumulative impacts of the development to the highway network are “severe.”

**RECOMMENDATION – NO CHANGE TO RECOMMENDATION.**

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