

**TOWN AND COUNTRY PLANNING ACT****HIGHWAY REPORT ON PROPOSALS FOR DEVELOPMENT**

<b>DISTRICT:</b>	Ashfield	Date received	09/01/2025
<b>OFFICER:</b>	Richard Sunter		
<b>PROPOSAL:</b>	Development of a drive-thru restaurant (Use Class E/sui generis) with associated access, servicing, car parking, hard and soft landscaping and other associated works	D.C. No.	V/2025/0003
<b>LOCATION:</b>	Lane End, Kirkby-in-Ashfield, Nottinghamshire		
<b>APPLICANT:</b>			

This planning application proposes the development of vacant land off the classified B6020 Lane End, Kirkby-in-Ashfield for a 527 sq m gross external area drive-through restaurant (Class E/sui generis). The scheme would operate 24 hours a day. The applicant anticipates that the scheme will employ 100 staff, equating to some 70 full-time equivalent employees, subject to shift patterns and varying demand. The peak number of staff on site at any one time would be 20. The application is supported by a transport assessment (TA), a travel plan (TP), and a site layout plan, amongst other material.

The site was previously the subject of an application for a drive-through restaurant under reference V/2024/0294. The highway authority objected to that application and it was subsequently withdrawn. The floor area of the current scheme (527 sq m) is substantially higher than that previously proposed (377 sq m). The highway authority has since engaged in informal dialogue with the applicant and its agents, providing a response to a "Highway Scoping Note" dated 7/11/24 by email on 15/11/24.

**Travel Plan (TP)**

The TP is similar to that initially submitted with planning application V/2024/0294 and has little regard to the observations that the highway authority (NCC) submitted on that TP. Detailed observations on the TP are summarised below:

- Full contact details of the TP Coordinator (TPC) should be supplied to NCC now. This can be an interim TPC (e.g. a representative of the developer or their agent) until such a time as a permanent TPC is appointed. The TP should commit to updating NCC should the TPCs name or contact details change for whatever reason.
- The TPC should commit to liaising with the local planning authority (ADC) and the highway authority.
- One of the key roles of the TPC should be as the first point of call for staff members regarding any travel and transport queries.

- Staff travel information should be available on opening, not after three months.
  - In addition to the measures included in the TP, the following should be included as marketing materials for staff:
    - TPC contact details.
    - Participation in national promotional events.
    - Personal Travel Planning should be offered to any staff member who requests it.
    - The promotion of car share.
      - Promotion of a recognised scheme, e.g. Liftshare, or similar.
      - The emergency ride home should be extended to car share, as the TP states that: “As such it is key to target car share to ensure a reduction in single car occupancy, both reducing car travel and parking demand.”
    - The Emergency Lift Home (ELH) element includes the phrase “at the discretion of the Restaurant Manager”. This does not necessarily provide a firm commitment. The wording of the ELH policy should be confirmed.
    - Sign up to the Cycle2Work tax incentive.
    - Taster public transport tickets should be provided to staff on opening. The provision of taster public transport tickets is now common practice amongst workplace travel plans.
    - Travel information packs should be provided to all new members of staff, containing the contact details of the TPC alongside information about local sustainable travel.
  - The TP should make it clear how and when the final sets of measures will be finalised.
  - The first travel survey should take place within three months of occupation not six months.
  - Travel surveys should be undertaken **annually** for the five-year monitoring period.
  - An annual monitoring report should be produced and issued to NCC.
  - Monitoring reports should be supplied to NCC within 1 month of collating data.
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- Secondary monitoring should also be conducted and reported upon. Secondary monitoring could relate to the uptake of taster ticket/vouchers, cycle parking occupancy etc.
- In addition to annual travel surveys, the highway authority would expect traffic counts to be conducted (see table below, taken from NCC's Guidance for the Preparation of Travel Plans In support of Planning Applications document (2010)). The results of traffic counts should then be used to compare the development trip generation with the estimates in the TA.

<b>Year</b>	<b>Traffic Count (SAM)</b>	<b>Travel Survey</b>
<i>Baseline</i>	<i>No</i>	<i>Yes</i>
<i>1</i>	<i>Yes</i>	<i>Yes</i>
<i>2</i>	<i>No</i>	<i>Yes</i>
<i>3</i>	<i>Yes</i>	<i>Yes</i>
<i>4</i>	<i>No</i>	<i>Yes</i>
<i>5</i>	<i>Yes</i>	<i>Yes</i>

- The TP should commit to remedial measures if the TP fails to achieve its targets at the end of the monitoring period, which (at minimum) should include an extension to the monitoring period (as well as an extension to the TPCs period-in-post) and a full review of measures.

The TP will also need to be amended to address the highway authority's observations on the TA and site access/layout proposals, as set out later, to ensure that the TP and TA are consistent.

A revised draft TP is required for further consideration.

A section 106 obligation, to provide a financial contribution to cover the highway authority's monitoring of the TP, will be required. The level of contribution will be confirmed once the TP is finalised.

The TP indicates that 24% of staff require car parking, 10% are dropped-off (directly or by car share) or travel by taxi, and circa 64% travel by sustainable modes. Of the 64%, some 7% cycle and the remainder reach the site on foot either directly (32%) or as part of a trip by public transport (24%).

The TP data suggests that up to circa 5 staff would require car parking, 2 would require cycle parking, and 1 would require motorcycle parking on any one shift.

### **Transport Assessment (TA)**

The highway authority has the following observations on the TA, using relevant references therein.

Paras 1.1.4 and 1.1.5 – several of the highway authority's observations on the Highway Scoping Note are not addressed in the TA or by the site layout.

Paras 2.1.4 to 2.1.7 - whilst the highway authority considers that site is accessible by non-car modes and reasonably sustainable in transport terms it is necessary for the applicant to come forward with proposals which will encourage greater use of sustainable transport modes, to safely and conveniently accommodate movements on foot, particularly given the requirements set out in paras 115 (a) and (b) and 117 (a), (b), and (c) of the National Planning Policy Framework (NPPF; December 2024) and the proximity of the site to the town centre, the railway station, bus stops, and major schools such as the Outwood Academy. The applicant's Economic Statement confirms that some 76% of sales will be from local residents through restaurant visits and delivery channels. Passing traffic flows on Lane End are confirmed as being below the applicant's target flow threshold. It follows that passing trade would contribute to sales to a relatively limited extent. This emphasises the need for appropriate pedestrian provision.

Paras 3.6.1 to 3.6.4 – the applicant should provide the full accident data to allow specific details (e.g. locations of pedestrian and cycle accidents and accident causation) to be interrogated. The applicant's summary analysis shows a total of 18 personal-injury accidents in the TA study area, of which 15 were slight and 3 were serious. 8 accidents involved pedestrians and 4 involved cyclists. Although the locations of most accidents are not presented, the accident plot and para 3.6.4 confirm that most pedestrian accidents occurred where there is no formal pedestrian crossing facility over the B6020. This again emphasises the need for the provision of appropriate, safe infrastructure, particularly for pedestrians.

Para 3.6.5 – having regard to the above, the highway authority does not accept this oversimplistic conclusion.

Paras 4.2.2 and 4.2.9 and Appendix B – provision of a formal site access junction with bell mouth radii is not acceptable to the highway authority. As previously indicated, in observations on the Highway Scoping Note, the site access should take the form of a commercial dropped kerb footway crossing to maintain pedestrian priority and safety along the southern footway on the B6020, a view supported by the highway authority's Safer Highways team. Road markings in the ghost island on the B6020 should be in accordance with those shown for left/right staggered ghost island junctions in the Design Manual for Roads and Bridges (DMRB).

Paras 4.2.3 and 4.2.4 and Appendix C – Appendix C does not show HGV swept path plots. The applicant should submit these for the highway authority's consideration. The DMRB requires a 50m stagger distance for right/left and left/right staggered ghost island junctions with a design speed of up to 60kph. These stagger distances cannot be achieved between the site access and the ALDI access and B6020/Millers Way junction. A departure from standard is required. The site access is located at stagger distances of 32m from the ALDI access and 40m from the B6020/Millers Way junction. The highway authority reserves its position on the site access location pending receipt of the swept path plots, but these relative stagger distances appear to provide a reasonable balance given the likely use of the side roads, pending further consideration of the relationship of the site access to the pedestrian crossing facility over the B6020 to the east of the site.

Paras 4.2.6 to 4.2.8 and Appendix D – the TA does not provide the calculations which determine the major road visibility splay distances shown in Table 4.1. The traffic data in Appendix D shows 85<sup>th</sup> percentile traffic speeds on the B6020 approaches to the site of 28.7mph eastbound and 29.7mph westbound. The eastbound speed cited in TA Table 4.1 (28.5mph) is therefore incorrect. The eastern traffic count shows an eastbound 85<sup>th</sup> percentile traffic speed of 29.4mph. It can be argued that this higher eastbound speed should be used in the visibility splay assessment. Based on 85<sup>th</sup> percentile speeds of 29.4mph (eastbound) and 29.7mph (westbound), and assuming an HGV percentage of more than 5% given the vehicle classifications summarised in the data in Appendix D, the major road visibility splay requirements are 46m to both the west and east of the site access. Use of 2.4m x 43m major road visibility splays, as proposed, is therefore inappropriate. The site access scheme should be amended appropriately (with knock on effects on landscaping and signage also to be addressed).

Para 4.2.10 and Appendix E – provision of only tactile paving on both sides of the Unnamed Road, to the east of the site, and Erewash Street at their junctions with the B6020 is not acceptable to the highway authority. Footway provision should be continued across the bell mouths of these junctions to ensure safe pedestrian priority and to contribute to encouraging pedestrian access to the site. This is a view shared by the highway authority's Safer Highways team as well as aligning with the NPPF.

The accident record and NPPF confirm that the applicant should come forward with further measures to encourage pedestrian movement to/from the site and ensure safe crossing facilities over the B6020. The highway authority considers that this should be addressed by the provision of a signalised pedestrian crossing facility over the B6020, located between the proposed site access and the access to the ALDI store, at the location of the existing pedestrian refuge. Tactile paving is also required to better facilitate crossing movements at the pedestrian refuge on the B6020 to the west of the B6020/Millers Way junction.

The applicant's pedestrian improvement proposals should include the above measures and the applicant should provide a comprehensive highway scheme drawing for detailed consideration.

The signalised crossing could be implemented by the highway authority, subject to a financial contribution being secured via a Section 106 Agreement. Observations on this issue have been sought from the County Council's Transport Strategy team and the highway authority will advise on the sum in due course.

Paras 4.3.7 and 4.3.8 – the site layout plan shows that the parked HGV will occupy 4 car parking spaces. 5 spaces are required to accommodate HGV access and egress. A planning condition could be considered to restrict HGV access to off-peak times to ensure that deliveries do not adversely impact car parking space availability.

Para 4.3.9 – swept path plots should be provided to show the manoeuvres of the waste collection vehicles.

Paras 4.4.1 to 4.4.2 and 4.4.5 to 4.4.6 – part 4.2 of the Nottinghamshire Highway Design Guide (HDG), adopted as County Council policy in 2021, specifies a minimum car parking requirement of 1 space per 8 sq m of gross floor area for fast food drive-through restaurants. A scheme with a GFA of 527 sq m would therefore require 66 car parking spaces to satisfy the highway authority's requirements. 36 car parking spaces are proposed, including 2 no. accessible spaces, 2 no. grill bays and 2 no. electric vehicle (EV) charging bays. The grill and EV parking bays cannot be counted towards the general level of parking provision. The TP indicates that up to 5 car parking spaces would be required by staff. Consequently, the scheme has 27 car parking spaces which would be generally available. The level of proposed parking provision therefore falls well below that required by County Council policy, giving rise to concern in relation to the potential for on-street car parking which would be obstructive and detrimental to highway safety. In accordance with para 4.2.2 of the HDG, the applicant must therefore justify this departure in detail.

The applicant should also come forward with proposals to prevent on-street parking on the Unnamed Road to the east of the site (the provision of a continuous footway across the bell mouth of the Unnamed Road (see comments on para 4.2.10 above) would assist in this).

Para 4.4.3 - 6 cycle parking spaces are shown in the form of 3 no. "Sheffield" cycle hoops which are open to the elements. The proposed cycle parking facility should be amended to provide covered facilities.

Section 4.5 – the drive-through lane can accommodate circa 19 cars. This level of provision is considered adequate but swept path plots are required to confirm that a large commercial van can negotiate the drive-through lane.

Para 5.2.2 – the traffic data used in the capacity assessments (Appendix G) has substantially lower peak traffic flows on the B6020 at the site frontage than the average weekday/Saturday peak traffic flows obtained from the speed surveys (TA Appendix D) in almost all the assessment periods. The more recent surveyed traffic flows are higher, substantially so in some peak hours. The base traffic flows presented in Appendix H are not therefore appropriate. The pass-by trip distribution calculations and subsequent capacity assessments should be based on the 2024 traffic flow data (with appropriate passenger car unit factors).

Para 5.5.1 – the highway authority's response to the Highway Scoping Note stated that "The applicant should determine, through contact with the local planning authority (LPA), whether there are any committed developments near the site which should be considered in the TA. Appropriate information should be provided in the TA." Para 5.5.1 is not clear whether the applicant has checked with the LPA whether there are any relevant committed developments that should be allowed for.

Paras 5.6.2 to 5.6.6 – the applicant should confirm the gross floor areas of the surveyed restaurants.

Paras 5.7.1 to 5.7.5 - the applicant's Economic Statement confirms that sales will be driven principally by local residents with limited transient custom, with some 76% of

sales being from local residents through restaurant visits and delivery channels. Passing traffic flows on Lane End are confirmed as being below the applicant's target flow threshold. It follows that passing trade would contribute to sales to a relatively limited extent. The assumptions in the TA in relation to pass-by/diverted trips are inconsistent with the applicant's Economic Statement. Para 5.7.1 is not accepted for this reason. The highway authority considers that, by discounting circa 80% of development traffic as pass-by/diverted trips and with an allowance for only 20% of development traffic as new trips, the TA underestimates the off-site traffic impacts arising from the proposed development. Full assessments of proportions of new, pass-by, and diverted trips are required.

Section 5.8 – the results from the analyses presented in TA section 5.8 are not accepted for the above reasons.

Section 5.9 – with pedestrian flows of more than 70 people per hour, this section emphasises the need for the pedestrian improvements identified earlier.

Section 5.10 – this section does not adequately address the need for detailed justification of the departure from the highway authority's adopted car parking standards.

Section 5.12 – the conclusions in TA section 5.12 are not accepted for the above reasons.

Paras 6.2.1 and 6.2.2 and Table 6.1 – all traffic flows used in the capacity assessments should be checked when re-running the calculations to address the above issues. The capacity assessment results have been transcribed into Table 6.1 incorrectly from the results presented in Appendix K.

Section 6.3 - the highway authority considers that the TA underestimates the off-site development traffic impacts on the highway network in the vicinity of the site. The HA is unable to agree that capacity assessments should be limited only to the site access. As indicated in the highway authority's response to the Highway Scoping Note, the TA should assess the scheme in accordance with the highway authority's adopted policy, set out in Parts 1.2 and Appendix C of the HDG, to determine the need for (or otherwise) capacity assessments on the wider highway network beyond the site access. In addition, the applicant should examine existing highway conditions in the vicinity of the site to determine whether there is existing congestion during peak periods which could result in the application of lower development traffic thresholds in determining whether off-site capacity assessments are required (and/or a change in the peak periods subject to assessment – see also the earlier observations in relation to the choice of base traffic flow data).

Chapter 7 – the highway authority does not accept the conclusions set out in TA Chapter 7 for the reasons expressed above.

The applicant should address the above issues through the submission of a technical note as a supplementary to the TA.

## **Site Layout – Drawing Number 13010\_AEW\_2120\_1004 Rev B**

Most of the highway authority's observations on the proposed site layout are presented earlier. Further comments are set out below.

4 secure motorcycle parking spaces should be provided in accordance with the requirements set out in part 4.2 of the HDG.

Observations on the advertisement and landscaping proposals have not been provided. The applicant should ensure that such measures do not interfere with the site access visibility splays (see earlier). Tree canopies should not obstruct visibility in the vertical plan i.e. below 2m above adjacent carriageway level.

The site layout plan is not configured to allow at-scale measurements to be taken.

Once the above issues have been addressed, a suitably configured revised drawing should be submitted.

### **Public Transport**

Observations on public transport issues will be issued separately by colleagues in the County Council's Transport and Travel Services team.

### **Summary**

Having regard to the above observations, the highway authority considers that the applicant has not provided appropriate or sufficient information to allow the transport impacts of the scheme to be fully and properly determined and appropriate mitigation identified. The highway authority therefore objects to the planning application.

This should be considered as a holding objection to allow the applicant to seek to address the above issues. In the meantime, the highway authority recommends that the planning application should not be determined pending submission of further information following which the highway authority may reconsider its position.

SD; NCC HDC; 29/1/25.