

**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/sul generis) with associated access, servicing, car parking, hard and soft landscaping and other associated works	D.C. No.	V/2025/0003
<b>LOCATION:</b>	Street Record, Lane End, Kirkby In Ashfield, Nottinghamshire		
<b>APPLICANT:</b>			

The highway authority's initial observations on the site layout, travel plan (TP), and transport assessment (TA) submitted in support of this planning application were issued on 29/1/25. The applicant has submitted a response to the highway authority's observations in the form of a "Highways Technical Note" (TN; February 2025). Revised site layout and advertising plans have also been submitted.

The TN refers to a revised Transport Assessment (TA). No such document has been posted on the local planning authority's (LPA's) planning application web page. However, given the following observations on the TN, any such revised TA would not be acceptable to the highway authority.

**Financial Contributions**

The County Council's planning policy observations were issued on 27/2/25. They recommend financial contributions towards bus stop infrastructure improvements, community transport, and the provision of a signalised pedestrian crossing on the B6020 to the east of the site access. These contributions are required to ensure that the proposed development is acceptable in accordance with the sustainable transport policies set out in the National Planning Policy Framework (NPPF, December 2024).

**Travel Plan (TP)**

Issues relating to the TP have become complex because the previous iteration of the TP (January 2025) removed many of the commitments in the TP on the previous planning application. Some, but not all, of those commitments have been restored in the current draft TP. The key outstanding issues are summarised below.

- The TP Coordinator should be in place prior to occupation (Table 5-1 states within 3 months).
- Taster public transport tickets should be provided to staff on opening. The provision of taster public transport tickets is now common practice amongst workplace TPs.

- Targets should not be changed or updated without discussion with, and the agreement of, the County Council. A statement to this effect should be included. *This comment had been addressed, but again appears to have been removed.*
- The results of monitoring should be disseminated via newsletter/email/noticeboard update to ensure staff are kept informed of TP success. *This comment had been addressed, but again appears to have been removed.*
- Commitment to undertaking traffic counts provided in Para 7.1.7. Count schedule is not provided. The TP should indicate when counts will be undertaken.

The highway authority recommends that the above issues should be discussed directly between the County Council and the TP author. Contact details can be provided on request.

### **Highways Technical Note (TN)**

Observations on those sections of the TN which deal with the TP (i.e. AMA Responses 1 to 13) are summarised above. The highway authority's observations on the remaining points in the TN are presented below, using the AMA Response references.

### **AMA Response 14 and TN Appendix D**

The applicant proposes dropped kerb crossing facilities over the bell mouths to Erewash Street and the unnamed road east of the site. Dropped kerb crossings are also proposed over the B6020 to the west of the site. The applicant relies on the existing signalised crossing at the B6020/Portland Street junction to the east of the site to provide a formal pedestrian crossing facility over the B6020.

The TN states that details of the dropped crossings are shown on the plan in TN Appendix B. The reference should be to TN Appendix D.

The proposal to provide dropped kerbs and tactile paving at the refuge close to Millers Way on the B6020 to the west of the site would be acceptable in-principle to the highway authority. Details can be determined through the Section 278 Agreement process if planning permission is granted.

Dropped kerbs on Erewash Street and the unnamed road to the east of the site are not sufficient. As stated in the highway authority's 29/1/25 observations, "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."

Reliance on the existing B6020/Portland Street junction to provide pedestrian crossing facilities to the east of the site is not sufficient. That junction is circa 250m to the east of the proposed site access. There are generators of pedestrian trips between that junction and the application site and it would not, in any event, conveniently serve all movements. As stated in the 29/1/25 observations, "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.”

The above view is supported by the County Council’s planning policy response which recommends a financial contribution for the provision of a signalised crossing over the B6020 to the east of the site access.

Without all the facilities described above, the highway authority considers that the proposed development would not be acceptable in pedestrian safety terms. Nor would the scheme comply with the policies set out in paragraphs 115 and 117 of the NPPF, which now place greater emphasis on safe access by sustainable transport modes.

As stated in the 29/1/25 observations, “The applicant’s pedestrian improvement proposals should include the above measures, and the applicant should provide a comprehensive highway scheme drawing for detailed consideration.”

### **AMA Response 15**

The applicant does not satisfactorily address the pedestrian safety issue. There may be several crossing points over the B6020 but, as stated in the 29/1/25 observations, the accident data presented in the applicant’s Transport Assessment (TA) confirms “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 ... the accident plot and para 3.6.4 [of the TA] 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.”

### **AMA Response 16 and TN Appendix B**

The applicant’s site access proposal is not accepted by the highway authority. As previously stated, “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).”

### **AMA Response 17 and TN Appendix C**

The submitted swept path plots show only the left-in/left-out HGV movements at the site access for the McDonalds service vehicle. Those plots are acceptable provided that the size of the service vehicle is restricted to that shown. A Delivery and Servicing Management Plan (DSMP) can be secured by planning condition to ensure that the type and size of vehicles visiting the site can be managed and controlled.

Swept path plots are required for the HGV right-in/right-out movements to confirm that the site access arrangements will operate satisfactorily in relation to the use of the ghost island facility on the B6020 and the proposed signalised crossing and refuge to the east of the site.

### **AMA Response 18**

The TN has not addressed the highway authority's concern regarding site access visibility splays. The proposed site access visibility splays do not accord with the requirements specified in Part 3.3 of the Nottinghamshire Highway Design Guide (HDG).

As previously stated, "the TA does not provide the calculations which determine the major road visibility splay distances shown in Table 4.1 [of the TA]. 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 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 [of the TA], 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)."

### **AMA Response 19**

See AMA Response 14 earlier.

### **AMA Response 20 and TN Appendix D**

See AMA Responses 14 and 15 earlier.

### **AMA Response 21**

The applicant has accepted that a planning condition could be attached to the planning permission, if granted, to restrict HGV access to off-peak times to ensure that deliveries do not adversely impact car parking space availability.

### **AMA Response 22**

Noted – see AMA Response 17 earlier.

### **AMA Response 23**

The highway authority will accept the proposed level of parking provision but only if the pedestrian and public transport improvements described earlier, and the TP, are

agreed to ensure that the proposed development minimises reliance on use of the private car and encourages travel by sustainable modes in accordance with the NPPF.

The highway authority will recommend a planning condition to require the applicant to monitor off-site parking on the unnamed road to the east of the site and, if necessary, to come forward with proposals to address any obstructive parking that may take place on that road.

The site layout plan now shows appropriate motorcycle parking provision.

#### **AMA Response 24**

Details of secure cycle parking and secure cycle equipment storage can be secured by planning condition.

#### **AMA Response 25 and TN Appendix F**

The swept path plot in Appendix F shows that the 7.5 tonne van encroaches into the inbound lane at the site access. This could lead to collisions between vehicles leaving and entering the site. The site access and site layout proposals should be amended to prevent such conflicts.

#### **AMA Response 26 and TN Appendix G**

The highway authority has been unable to check the traffic flow inputs in the site access capacity calculations presented in TN Appendix G because the derivation of such flows is not provided in the TN.

#### **AMA Response 27**

The lack of a response from the LPA in relation to the applicant's request for details of committed developments near the site is not, of itself, evidence that there are no relevant committed developments. The applicant should determine whether there are any committed developments near the site which should be considered in the TA. Appropriate information should be provided in the TA.

#### **AMA Response 28**

Noted.

#### **AMA Response 29**

This response does not properly address the highway authority's observations in relation to trip types and is not accepted.

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.

This issue is material to properly determining the development traffic impacts along the B6020, which will have a bearing on highway and pedestrian safety issues, as outlined earlier.

Full assessments of proportions of new (including food delivery vehicle trips), pass-by, and diverted trips are required. The impacts of new and diverted trips should be incorporated into the applicant's traffic impact assessments.

### **AMA Response 30**

See AMA Responses 14, 15, and 23 earlier.

### **AMA Response 31**

See AMA Response 23 earlier.

### **AMA Response 32**

See AMA Responses 26 and 29 earlier.

### **AMA Response 33**

See AMA Responses 26 and 29 earlier.

The highway authority continues to consider that the TA underestimates the off-site development traffic impacts on the highway network in the vicinity of the site. The highway authority 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 applicant's 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).

### **TN Conclusion**

Having regard to the issues identified above, the highway authority does not accept the conclusions to the TN.

### **Site Layout Plan**

Most of the highway authority's observations on the proposed site layout are presented earlier.

The disabled parking bays are incorrectly detailed – see para 4.2.5 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 correct site access visibility splays (see earlier). Tree canopies should not obstruct visibility in the vertical plane 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 site layout drawing should be submitted.

## **Summary**

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. The highway authority therefore objects to this planning application on the grounds of a lack of information to allow the highway capacity and safety impacts to be assessed.

Given the applicant's refusal to provide the pedestrian improvements recommended by the highway authority and the County Council's planning policy team, the highway authority also objects to this planning application on the grounds that the proposed development would give rise to unacceptable impacts to pedestrian safety and would be contrary to the sustainable transport planning policies set out in paragraphs 115 and 117 of the NPPF and in the Ashfield Local Plan.

The highway authority may reconsider its position if the applicant submits further information which satisfactorily addresses the above issues. The highway authority would comment again following receipt of further information.

SD; NCC HDC; 21/3/25.