

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: 24/01090/REM

Highway Reference Number: 2024/1090/04/H

Application Address: Land Off Desford Lane Ratby Leicestershire

Application Type: Reserved Matters

Description of Application: Approval of reserved matters (access, appearance, landscaping, layout and scale) of outline planning permission 21/01295/OUT for 225 dwellings (including 40% affordable housing) with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point

GENERAL DETAILS

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Bellway Homes Limited

County Councillor: Cllr Ozzy O'Shea

Parish: Ratby

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 116 of the National Planning Policy Framework (2024), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) have been re-consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a Reserved Matters application (access, appearance, landscaping, layout, scale) of outline (access) application 21/01295/OUT for a residential development of 225 dwellings. The site is located at land off Desford Lane, Ratby.

The LHA has reviewed the following documents submitted by the Applicant in support of the proposals:

- DHA Architecture Ltd drawing number 082404-BEL-EM-01 (Presentation Planning Layout)
- DHA Architecture Ltd drawing number 082404-BEL-EM-02 (Supporting Planning Layout)
- DHA Architecture Ltd drawing number 082404-BEL-EM-05 (Unit Types Layout)

- Bellway garage drawings 01 to 04.

The LHA notes that the Applicant has stated on the submitted application form that internal access is to be considered as part of this application. The LHA considered the site access arrangements, where the site connects to Desford Lane, along with off-site works as part of the outline application.

Internal Layout

Details of the internal layout of the site are provided on DHA Architecture Ltd drawing number 082404-BEL-EM-01. The Applicant has indicated that they wish for the main internal development roads to be put forward for adoption.

The acceptability of an adopted road layout is subject to a Section 38 agreement in accordance with the Highways Act (1980). For the site to be suitable for adoption, the internal layout must be designed fully in accordance with the Leicestershire Highway Design Guide ([LHDG] available at: <https://resources.leicestershire.gov.uk/lhdg>).

The LHA advise that currently the proposals would not be suitable for adoption and that the below amendments would be required at this stage prior to the application being determined should the Applicant wish for the roads to be considered for adoption. It should be noted that whether or not the road layout is adopted is not a material planning consideration and the LHA do not consider the road layout to be unsafe, therefore the LHA do not seek to resist the proposals.

- Speed control measures will need to be designed into the road layout. In this instance, the maximum distance between speed control measures, junctions or 90-degree bends is approx. either 60m or 40m depending on the design speed of the road. Further information can be found in Part 3, Section DG4, table DG8 of the LHDG.
- Further to the comment above, the minimum plateau length of vertical speed control measures should be 8m, and the ramps should not conflict with the access drives of the dwellings. For further information, please see Part 3, Figure DG5e of the LHDG.
- The continuous footway arrangement at junctions where the footway has priority and is slightly setback (and ramped), should be removed for junctions within the adoptable highway. A vehicle crossing across the footway can be used where serving private drives (e.g., plots 22-26).
- Tactile paved uncontrolled pedestrian crossings should be provided and shown at junctions/where appropriate.
- The shared surfaces proposed should be in accordance with the Residential Access Way column in Part 3, Table DG1 of the LHDG. Shared surfaces are to be a completely flush block paved 7.5m corridor, consisting of a 4.8m 'carriageway' and 2x1.35m 'footways'.
- There are five or less plots fronting onto the roads serving: (8,9,33,16), (78,79,80,86,87), (44,45,52,65,66) in line with Part 3, Para. 3.5 of the LHDG this should be redesigned to increase the number of frontages, or not be proposed for adoption.
- Bend widening should be implemented at the appropriate bends, in line with Part 3, Para. 3.33 of the LHDG.

- Forward visibility splays are required and the areas within the splays should be conveyed as highway outside Plots 1-2, 46 and 179, in accordance with the LHDG. For further information, please see Part 3, Figure DG2b of the LHDG.
- The junction radii should be 6m for any side roads. For further information please see Part 3, Table DG5 of the LHDG.
- The Applicant should also ensure that radii for turning heads are 7.5m. Please see Part 3, Figure DG4b of the LHDG for further information.
- Some turning heads are unnecessarily large as they do not need to be extended beyond the radii. The Applicant should shorten the turning head to just beyond the tangent points of the radii and extend the private drives to suit. Please see Part 3, Figure DG4b of the LHDG for further information.
- Bituminous 2m footways should be provided on both sides of the carriageway, where there are plots fronting onto the highway.
- A minimum 1m service margin should be shown at the end of turning heads.
- Any isolated and/or interconnecting footpaths would not typically be considered for adoption. If they were to be offered for adoption, they may incur an additional commuted sum.
- Clarification is sought regarding the junction/road heading southwest, close to the site access. Is this to connect to another development?
- The Applicant should provide refuse vehicle tracking of the site using an 11.2m long vehicle. Refuse collection points for the private drives should be detailed on the layout drawing(s), and any private drives with collections to take place more than 25m from the highway will need to be designed in line with Part 3, Para. 3.196 of the LHDG.
- The Applicant should also be noted that the carry distance for householders on private drives should not exceed the ideal maximum of 30m (The Building Regulations 2010, Drainage and Waste disposal Approved Document H, Para. 1.8, Page 54)
- The tree species will need to be agreed, to ensure a clear stem height, as to not impede on highway users' visibility. This will be checked further and approved at the S38 stage.
- Consideration of root barrier/deflection treatment will be required when proposing trees/shrubs adjacent to the footway. This will be checked further and approved at the S38 stage.
- Trees and landscaping can be proposed within the highway extents, but trees must be sited within a 2m grass verge, and any verge areas should be more than 10m² each.

Additional Comments

- At this stage it is not possible to comment on the vertical alignment, drainage, materials or proposed construction details.

Parking provision and shared private drives

The LHA has reviewed the parking provision and shared private drives shown on DHA Architecture Ltd drawing number 082404-BEL-EM-02 and can advise the following points:

- The dimensions of all parking spaces are generally in accordance with the LHDG guidance.
- Whilst the level of parking provision is generally considered acceptable for plots with three or more bedrooms, there are a number of two bed plots where only one parking space is provided. It is noted there are several unassigned spaces in the vicinity of the majority of these plots, however the LHA would suggest that two parking spaces are provided per plot. In addition, Plots 197 to 200 which are four bed plots are each short of one parking space. The LHA advise an additional space is provided per plot.
- The LHA notes that triple tandem parking (including garages) is proposed for several plots with four or more bedrooms. The LHA requests that parking provision is reviewed for these plots so that a maximum of two spaces are provided in a tandem arrangement. Experience shows that triple tandem arrangements can lead to an increase in on-street parking.
- Standalone garages all meet the internal dimensions required within the LHDG guidance and therefore can be considered towards parking provision where necessary. Where integral garages to the dwelling have been provided, there is acceptable parking provision for each plot without inclusion of the garage.
- It is currently difficult to decipher exactly which roads are proposed to be shared private drives. Nevertheless, the LHA notes that several of the potential shared private drives are also below the dimensions stated in Part 3, Paragraphs 3.196 and 3.197 of the LHDG, therefore these should be amended accordingly.

Public Rights of Way (PRoW)

The development site encompasses the route of Public Footpath R41 which, from Desford Lane Ratby, runs southeastwards through the western side of the application site and then goes to Desford Lane on the edge of Kirby Muxloe and continues as Footpath S4 which links with other PRoW's around the western edge of Kirby. In response to outline application 21/01295/OUT the PRoW section advised a condition for a scheme on the treatment of the PRoW which is now particularly necessary at this Reserved Matters stage.

Drawings submitted with this application, and particularly DHA Architecture Ltd drawing number 082404-BEL-EM-02, show it is intended to alter the route of Footpath R41 in the northern half of the development. Diversion of the public right of way will require a separate legal order made by the Local Planning Authority, a separate application for which needs to be submitted and legally confirmed before the development is substantially complete.

As it stands the LHA would object to the legal order as the proposed diversion route is unsatisfactory. Instead, the new legal alignment should start from Desford Lane Ratby on the south side footway of the new site access road which then leads directly into the proposed separate path west of the new houses. The current proposal, where the current PRoW route is retained on its existing route for a short distance from Desford Road and then crosses the site access road, is convoluted, longer than needed, and obscures the continuity of the overall public right of way particularly for those using it as a through route for longer walks.

Also, more detail is needed on how the PRow route will be physically treated. Proposals should reflect the Leicestershire Highway Design Guide annex on PRowS and Development at: <https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2018/6/5/Rights-of-way-guide.pdf> which locally applies the National Planning Policy Framework (NPPF) Dec 2024 paragraph 105 requirement that Public Rights of Way should be protected and enhanced. The proposals should cover surfacing, signage, and suitable structures. In particular:

- Surfacing should reflect the Footway standard on LHDG dwg. SD/11/5.
- Where the path starts from Desford Road and where it leaves the site access road there should be a PRow standard signs to LHDG dwg. SD/FP/7, reflecting the requirement of Countryside Act 1968 section 27.
- To improve accessibility, and to reflect the government's 'least restrictive option' policy for PRow barriers, in the southern site boundary any existing stile should be removed and replaced with a stockproof metal pedestrian gate reflecting LHDG dwg. SD/FP/12 and, to show the route ahead in the field, a replacement marker post matching dwg. SD/FP/6.

Conditions

1. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with DHA Architecture Ltd drawing number 082404-BEL-EM-02. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

2. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive and dropped kerbs that serves those dwellings has been provided in accordance with DHA Architecture Ltd drawing number 082404-BEL-EM-02. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 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 (2024).

3. The development hereby permitted shall not be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on both sides of the private driveways or shared private drive serving each plot. Nothing within these splays shall be higher than 0.6 metres above the level of the back of the footway/verge/highway and, once provided, these splays shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2024).

4. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning

Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2024).

5. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2024).

6. No development shall take place until a scheme for the treatment of the Public Rights of Way (R41) has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include, where relevant, management during construction (including proposed temporary route(s)); ensuring plans reflect the correct legally-recorded PRow alignments; and any new construction works. Physical construction should address width, surfacing, drainage, structures, signposting, and impacts of any landscaping and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted guidance on Development and Public Rights of Way. 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 105 of the National Planning Policy Framework (2024).

7. No new 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 protect and enhance Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework (2024).

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.
- The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before

building commences.

- Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- 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.
- The Public Right(s) 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.
- The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- 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.
- 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
4 December 2024

Case Officer
Ben Dutton

Reviewer
DH

Date issued
20 December 2024