

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: 25/00472/REM

Highway Reference Number: 2025/0472/04/H

Application Address: Forest House Leicester Lane Desford Leicester Leicestershire LE9 9JJ

Application Type: Reserved Matters

Description of Application: Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 22/01160/OUT for a proposed commercial unit (Use class E(g))

GENERAL DETAILS

Planning Case Officer: Emma Baumber

Applicant: Julie Clark

County Councillor: Markfield, Desford & Thornton ED - Charles Whitford CC

Parish: Desford

Road Classification: Class B

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 does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been consulted by the Local Planning Authority (LPA), Hinckley & Bosworth Borough Council (HBBC), on a planning application which seeks the:

'Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 22/01160/OUT for a proposed commercial unit (Use class E(g)).'

The proposals are at Forest House, Leicester Lane, Desford, Leicestershire, LE9 9JJ.

The LHA previously assessed 22/01160/OUT which was for a proposed commercial unit (Use class E(g)(i,ii,iii) (outline application - access only). The LHA advised approval with conditions in matters relating to the highway on 2 July 2024. The LPA subsequently approved the proposals on 30 August 2024.

Note – The LHA have included hyperlinks to relevant sections of the Leicestershire Highway Design Guide ([LHDG](#)) within this report. These are identified in bold, underlined and in blue text.

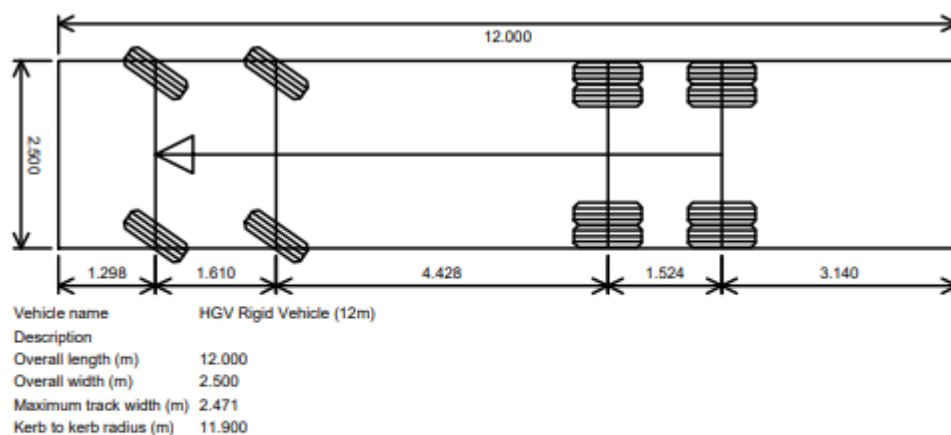
The LHA have reviewed the following documents as part of this report:

- Application Form;
- Site Location Plan;
- Construction Management Traffic Plan dated May 2025;
- Proposed Site Plan, drawing number 8658_0302_1001 Rev PL1;
- Proposed Ground Floor Plan, drawing number 8658_0302_1002 Rev PL1;
- Proposed First Floor Plan, drawing number 8658_0302_1003 Rev PL1; and
- Design & Access Statement dated 27 July 2022.

Internal Layout

The Applicant has stated that the 'Gross Internal Area (GIA)' is 852sqm. Normally the LHA would request off-street parking should be in accordance with [Figure 29\(c\)](#) of the LHDG. This section subsequently refers to [Table 29\(a\)](#) of the LHDG. This section states that for a GIA of 852sqm, 17 x off-street parking spaces should be provided along with one x HGV space. However, the Design and Access Statement indicates there would be 19 members of staff on site. It is also noted that the drawing titled 'Proposed Site Plan', drawing number 8658_0302_1001 Rev PL1 demonstrates 15 x off street parking spaces plus three visitor spaces, with no HGV space evident.

The LHA notes that when assessing the outline application submitted under 22/01160/OUT for the access only, contained within the 'Technical Note' the Applicant provided a drawing titled 'Proposed Access Arrangements with Swept Paths, drawing number 27239_08_020_02 for a rigid HGV vehicle profile. Given the above, the LHA would request the Applicant re-considers their off-street parking for both cars and HGVs and provided a revised scaled drawing demonstrating adequate parking for the number of staff on-site in these site-specific circumstances. The Applicant should include on-site turning for said HGV via swept path analysis using the below vehicle profile:



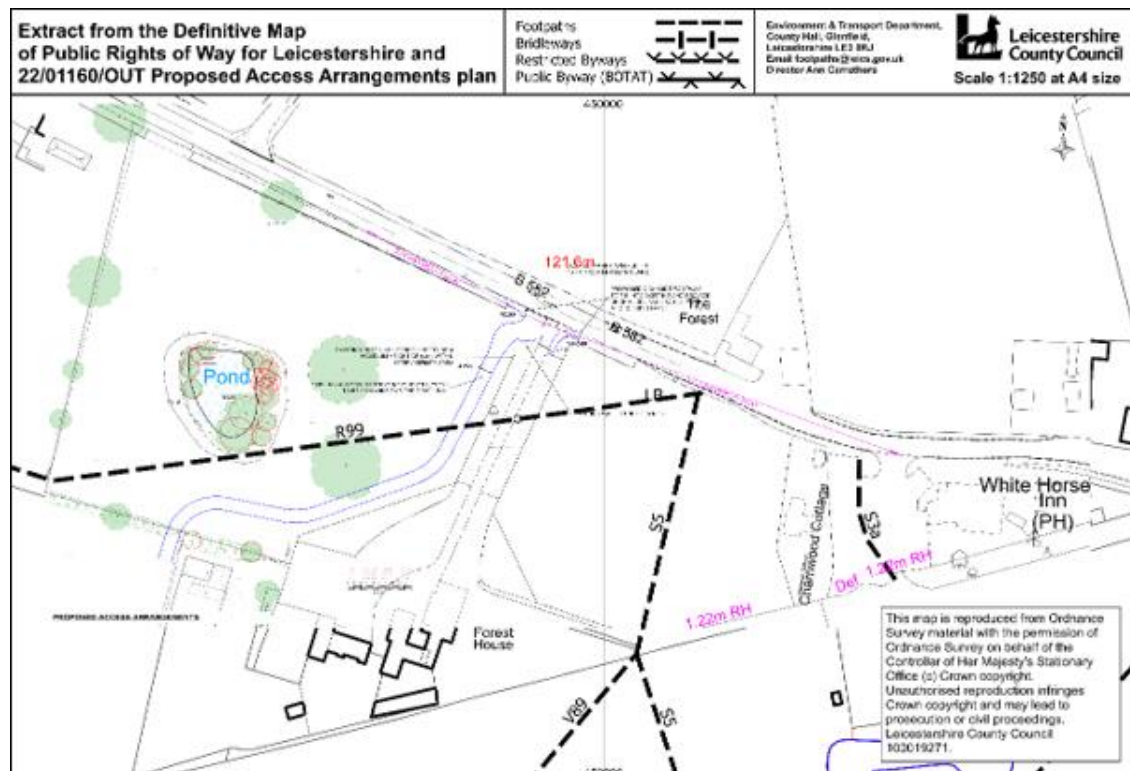
RIGID HGV VEHICLE PROFILE

The drawing titled 'Proposed Site Plan', drawing number 8658_0302_1001 Rev PL1 also demonstrates parking spaces of 4.8m by 2.5m. [Figure 44](#) of the LHDG states that off-street parking spaces should be 5.5m by 2.4m, add 0.5m if bounded by a wall, fence, hedge, line of trees or other similar obstructions on 1 side, 1m if bounded on both sides. The Applicant should also note the 6m aisle width between parking banks. These matters should also be reflected on a revised, scaled drawing.

The Applicant has demonstrated cycle parking on drawing 'Proposed Site Plan', drawing number 8658_0302_1001 Rev PL1. However, these should be of a 'Sheffield' type or similar, this can be secured via condition.

Public Right of Way (PRoW) R99

The application site access bisects public right of way Footpath R99 which starts nearby and then runs at the rear of Leicester Lane properties before heading for Desford village. Below is an extract from the Definitive Map of public rights of way (PRoW) overlaid on part of the 22/01160/OUT Proposed Access Arrangements plan sheet as the current application Proposed Site Plan details the construction area but does not include the access route to it. The development's impact on the PRoW still needs addressing.



The 22/01160/OUT Decision Notice included the following relevant condition:

'No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction, surfacing, width, structures, signing, and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. 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 Policy DM10 and DM17 of the Site Allocations and Development Management Policies DPD 2016 and Paragraph 104 of the National Planning Policy Framework (December 2023).'

The main issues for any scheme are the management during construction; and the permanent treatment of the footpath where it crosses the new access to the new development. Building a small-scale development involves only limited increases in vehicles to / from site, though site workers may not expect to see members of the public in the vicinity, so signposts are needed on the new access to alert site vehicle traffic about this.

If the new access road is to be enclosed between new boundaries, new crossing points are required for the footpath. In addition to the grant of planning permission, new boundary crossings must be authorised by the LHA to comply with the Highways Act 1980 section 147 and subsequent government guidance. Government policy (reflecting the Equality Act 2010) is that new barriers on public rights of way should be the 'least restrictive' option and accessible to users with reduced mobility. In particular, stiles can be awkward even for otherwise able walkers, such as older people, who have mobility limitations such as hip or knee problems that make it more difficult to climb over barriers. Therefore, only gaps, pedestrian gates, or kissing gates can be authorised by the LHA. The one legal justification for stiles or gates is to ensure livestock is not able to get through any boundaries.

NPPF paragraph 105 states: *"Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users ..."* The NPPF looks for developments to 'protect and enhance' in several environmental contexts which, when compared, show that if no mitigation is essential, the NPPF still seeks enhancements proportionate to the scale of the development. In this case replacing any existing stile(s) with a gap or a type of gate would be a valid enhancement.

For consistency the LHA can include an updated version of this condition as part of this application if the details are not provided at this stage. For further information the Applicant should contact footpaths@leics.gov.uk

Also, as the Guidance Notes for Developers are now part of the LHDG which is available at:

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/public-rights-way>

Condition 5

As part of this application the Applicant has provided details to discharge condition 5 attached to 22/01160/OUT. Condition 5 is replicated below for clarity:

No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of 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 and to ensure that construction traffic does not lead to on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (December 2023).

Highways Comments

The site is well served by the B582 and A47, as such the LHA have no concerns with the route to the site.

Paragraph 4.2 of the 'Construction Management Traffic Plan' dated May 2025 states:

- To minimise the potential impact of construction traffic movements on the local road network, several management controls will be implemented. The following are based on measures designed to work in respect of the site and surrounding sensitive receptors.
- Traffic movements, both to and from the site, during peak hours (08:00-09:00 and 17:00-18:00 Monday to Friday) will be minimised to reduce the risk of traffic congestion on local roads and any potential impact in the vicinity of the site during peak traffic hours.
- All deliveries will be booked in and allotted a time to carry out the delivery to ensure that multiple deliveries do not arrive at site at any one point.
- All deliveries will take place within the demise of the site, which is accessed via the proposed development access road off Leicester Lane.
- All deliveries will take place out of peak traffic periods or any local events in the vicinity of the site.

The above is welcomed by the LHA.

A jet wash and/or a bath type jetted vehicle washer, with rumble strips to loosen any mud, will be used on the wheels of construction related vehicles, as necessary, as they leave site to ensure that no mud or debris is taken off the site. During the jet washing process, filter protection to the drains will be used so only water passes through rather than mud. The jet wash will be connected to a mains water supply and located on site and available from the commencement of site works so that mud does not transfer onto the public highway during construction. Should the road become contaminated, any debris will be removed by either sweeping or spade and jet wash. Both types of washing facilities will remain in place until construction vehicles cease entering / exiting the site. It is proposed that the initial 50m of the access road will be surfaced in a bituminous material and for this to be kept clean throughout the construction process. Whilst the above is welcomed the Applicant should ensure the wheel washing facilities are not within 10m of the public highway. This is to ensure wastewater does not run onto the public highway.

The Applicant has provided a within Appendix B of the 'Construction Management Traffic Plan' dated May 2025 a layout plan demonstrating vehicle parking and storage areas within the site away from the public highway. This is welcomed by the LHA.

The LHA are satisfied that the requirements contained within condition 5 attached 22/01160/OUT have been satisfied.

Date Received
11 June 2025

Case Officer
Neal Chantrill

Reviewer
DH

Date issued
2 July 2025