

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: 25/00243/NMA

Highway Reference Number: 2025/0243/04/H

Application Address: Land South Of Sketchley Grange Hotel Sketchley Lane Burbage Leicestershire

Application Type: Non-material amendment

Description of Application: Non-material amendment to planning permission 23/01204/REM.

Amendments to private drive serving plots 38-40 and associated housetype changes for plots 26, 35 and 39, widening of PROW U67 and relocation of area of play

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Esther Wiles

County Councillor: Burbage ED - Cllr Barry Walker

Parish: Burbage

Road Classification: Adopted Unclassified

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) have been consulted on the non-material amendment to approval ref. 23/01204/REM, to allow for amendments to private drive serving plots 38-40 and associated house type changes for plots 26, 35 and 39, widening of PROW U67 and relocation of area of play on Land South Of Sketchley Grange Hotel Sketchley Lane Burbage Leicestershire.

In support of this application the Applicant has submitted the following relevant documents:

- Charles Church POS / Existing Footpath Surfacing Scheme. Drawing Reference 234/SGB-POSEFSS-01 Rev C.
- Charles Church Covering Letter. Dated 10th March 2025.
- Application Form.
- The Greenfield Design Partnership Colour Masterplan. Drawing Number TGDP/SG-BH/CMP-1 Rev 1.

- The Greenfield Design Partnership Colour Planning Layout. Drawing Number TGDP/SG-BH/CPLI Rev 1.
- The Greenfield Design Partnership Planning Layout. Drawing Number TGDP/SG-BH/PLI Rev M.
- The Greenfield Design Partnership POS Categorisation Plan. Drawing Number TGDP/SG-BH/POS-CP Rev H.
- The Greenfield Design Partnership Boundary Treatments Plan. Drawing Number TGDP/SG-BH/BTP-1 Rev M.

The LHA note the following relevant planning history at the site:

- 21/01131/OUT | Demolition of existing poultry and cattle buildings and residential development of up to 150 dwellings with vehicular access from Sketchley Lane (outline - vehicular access only). Permitted under Appeal Ref APP/K2420/W/22/3301735 January 2023.
- 23/01204/REM | Application for approval of Reserved Matters (relating to layout, scale, appearance and landscaping) of appeal decision APP/K2420/W/22/3301735 (outline planning application 21/01131/OUT) for the provision of 127 dwellings, a substation, public open space, an attenuation pond and associated works. Permitted May 2024.
- 24/00543/DISCON | Application to discharge condition 4 (PRoW Construction Management Scheme) attached to planning application 23/01204/REM. Condition Discharged July 2024.
- 24/00746/DISCON | Application to discharge conditions 5 (Treatment of PROW and Bridleway) and 10 (Secure Cycle Parking) relating to planning application 23/01204/REM. Awaiting Decision.
- 25/00104/NMA | Non-material amendment to planning permission 23/01204/REM. Amendment to location of private drive, widening of PROW U67 and relocation of the area of Play. Refused March 2025.

Internal Layout

The LHA have reviewed the submitted Charles Church 'Cover Letter' and note the following amendments to the layout.

- Plot 25 has been moved to avoid easement.
- Plot 26 was a Broadhaven but is now a Hollicombe.
- Plot 27 now has frontage parking.
- Plot 34 has been reorientated to create more space for plots.
- Plots 35 was a Hollicombe but is now a Broadhaven.
- Plot 39 was a Hastings but is now a Cullen.
- The private drive serving plots 38-40 has been realigned.
- Plot 40 parking arrangements has moved to avoid easement.
- Plot 126 garage has been pulled away from the red line boundary to allow for retention on the hedge on the boundary.

Upon review of the submitted documents the LHA find these amendments acceptable. However, it is noted the garage amendments appear to be to plot 127 not 126.

Public Right of Way

The decision notice for application 23/01204/REM includes two conditions relating to Public Rights of Way (PRoW), these are reproduced below for clarity, alongside further information required.

The LHA note that this application seeks non-material amendments to these conditions, as to be 'in accordance with POS & Existing Footpaths Surface Scheme - Rev C'. The LHA require further information as the documentation currently does not address all of the requirements and so is contrary to the National Planning Policy Framework (NPPF).

Condition 5

'No development above floor plate level shall take place until a scheme for the treatment of the Public Rights of Way (Footpath U64 and Bridleway U67) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of, but not limited to, the surfacing, width, depth, and landscaping of the Public Rights of Way, and their associated way marking, and accessibility improvements, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetables.'

Reason: In in the interests of protecting and enhancing Public Rights of Way and their access in accordance with Paragraph 104 of the National Planning Policy Framework (December 2023).'

The LHA note that this application seeks non-material amendments to these conditions, as to be 'in accordance with POS & Existing Footpaths Surface Scheme - Rev C'. The LHA require further information as the documentation currently does not address all of the requirements and so is contrary to the National Planning Policy Framework (NPPF).

The Applicant should note that a PRoW treatment scheme should include the following details. This treatment scheme could comprise one single document; or a series of plans; or be parts of other document(s) (e.g. a Construction Management Plan) as long as the impacts on the PRoW(s) are explicitly addressed and clearly identified within the document.

- Management during construction, including fencing, safety signage, and marshalling of crossing points (where needed); plus legal order(s) for temporary closures and diversion(s), any proposed temporary route(s) and how these will be kept usable.
- Ensuring site plans reflect the correct PRoW legal alignment on the Definitive Map and, if needed, any legal order for a permanent diversion to ensure they will do so in future.
- Any physical construction works: including widths, surfacing, drainage, structures, signposting, and impacts on the PRoW of any landscaping and boundary treatments.
- Ensuring these reflect the LCC Guidance Notes for Development now comprising the Leicestershire Highways Design Guide and its annex on Development and public rights of

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

From the submitted documents the LHA note the following points:

- The LHA can confirm there is a temporary closure on the western branch of Bridleway U67 and there has previously been a temporary closure on Footpath U64 to facilitate site access for a period. Both closures have had appropriate management plans.
- The Applicant has stated they will seek a legal diversion of parts of Footpath U64 and Bridleway U67 as to match the proposed planning layout. This requires a separate legal order made by the Local Planning Authority (LPA). At the applicant's request, the LHA has supplied a plan for the legal diversion order. Any such diversion application must be submitted and also legally confirmed before the development is substantially complete, otherwise these legal powers then lapse. The LHA is not aware that an application has yet been submitted.
- Drawing POS & Existing Footpaths Surface Scheme - Rev C addresses the physical construction issues of drainage, surfacing specification and widths. The confirmation of a three-metre surface for Bridleway U67 is welcomed. However, the plans do not clarify how the north end of the bridleway will connect with the end of the adjoining cul-de-sac to ensure a smooth transition particularly for cyclists using both these routes. Of specific concern the submitted drawing Detailed Soft Landscape Proposals - JBA 23-348 -04 Rev M appears to show a hedge blocking movement between the two routes at this point, which would be an unlawful obstruction.
- Signs are a legal requirement where a PRoW exits from a surfaced road as it will do at this point. Where the new road is due to development, the developer who creates the need for a new sign is responsible for paying for it. The LHA standard specification for these is on LHDG drawing SD/FP/7. This would be a requirement of the applicant in the legal diversion order but this should also be shown in the planning documents.
- In addition to the widths for Footpath and Bridleway surfaces, the LHDG Annex on Development Paragraph 17 requires a 1 metre-wide grass verge on both sides of any constructed PRoW surface. However, Drawing JBA 23-348 -04 Rev M shows bins located upon the Bridleway U67 surface; also on U67, immediately next to the surface edge are 3 Spririx Benches and the boundary of the LEAP Equipped Childrens Play Space. All these features must be moved at least 1 metre away from the constructed bridleway surface edge, to ensure the route can be safely used by cyclists and riders on horses as well as pedestrians.

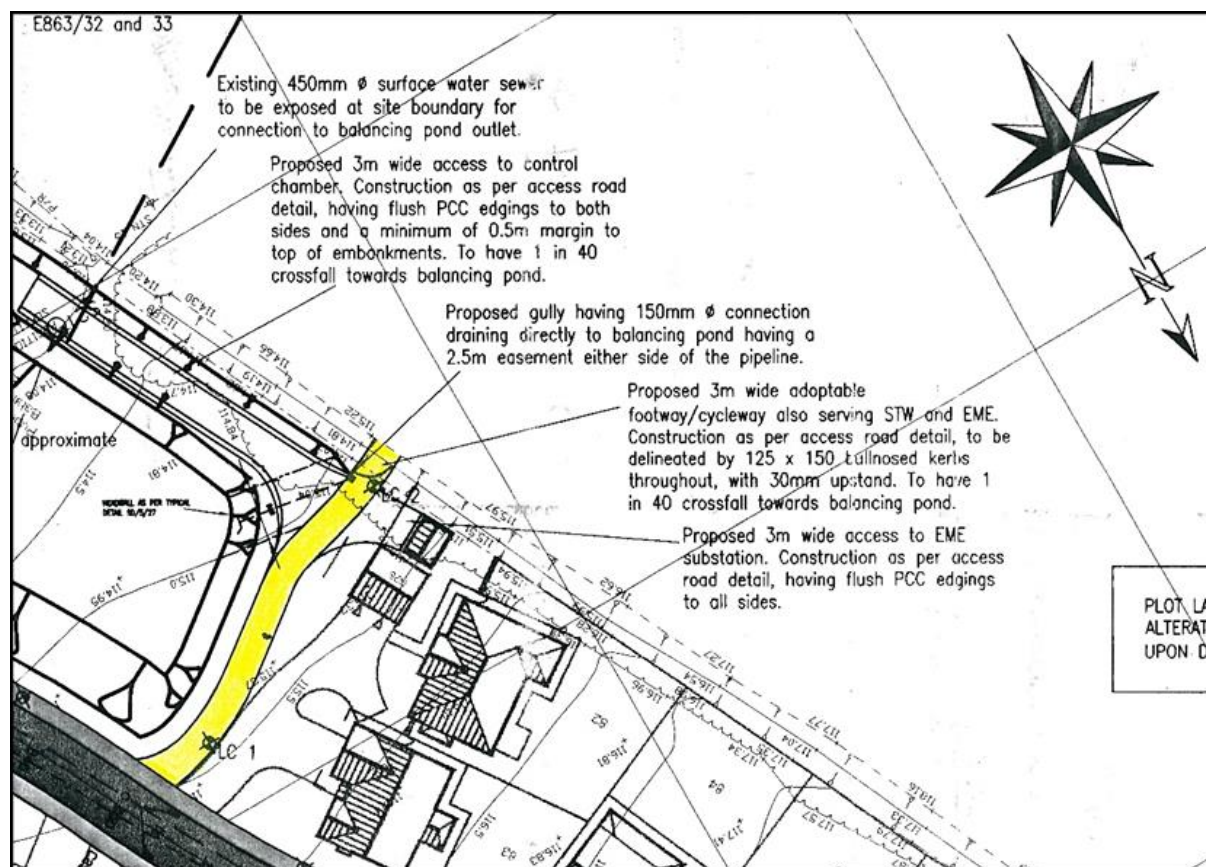
Condition 7

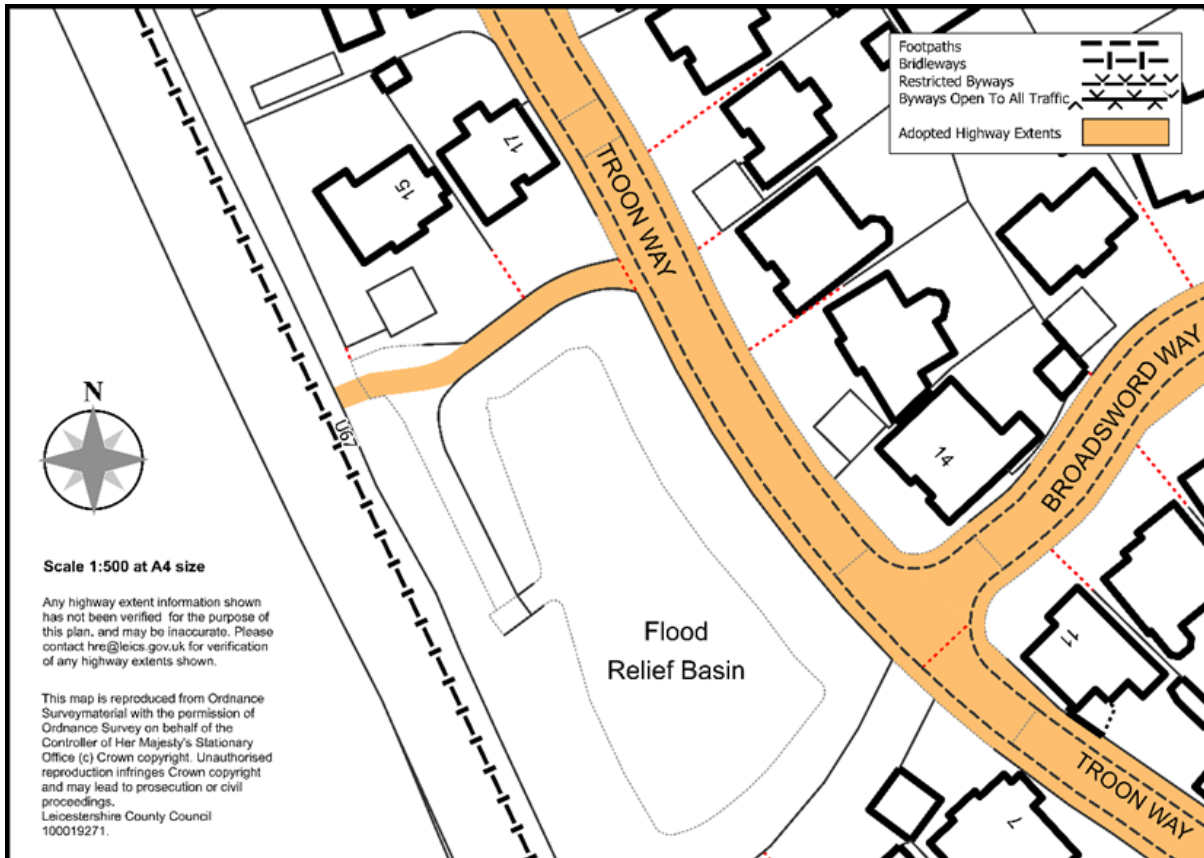
'Prior to the development being first occupied details of the pedestrian link from Public Right of Way Bridleway U67 to Troon Way immediately to the east of Plot 24 to link in to the existing hard-surfaced link to Troon Way shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include, but not be limited to, the link's surfacing, depth, width, landscaping, and timetable for implementation. The proposed scheme shall be implemented in accordance with the approved details and shall be retained available for use thereafter.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 9 of the National Planning Policy Framework (December 2023).'

Further investigation of the background to a pedestrian link from Bridleway U67 to Troon Way has highlighted the following:

Any new link must connect with the existing adopted highway roads and paths. The Applicant should note the below drawings. The first is from the adoption plan for the existing eastern part of the link which overlaps and continues from the vehicular access to houses 15/17 Troon Way. The adoption agreement between the LHA and David Wilson Homes is dated 14/03/2005. The second is a large-scale extract from the current LHA highway records orientated northwards so the applicant can more easily reflect this in their planning.





- The position of the existing link is indicated by an LCC Lighting Column at the end of the existing tarmacked footway path, now surrounded by growth from the site boundary hedge and also the position of trees in the western hedge that is the boundary on the side of the bridleway nearest to the site, both as shown in the photo included below.



- At this point the site boundary hedge is the property of the landowners of the application site whose permission may be required for modifying the boundary. West of the boundary centreline there is several metres of scrub vegetation between the boundary and the walked/ridden surface of the bridleway. There are also several metres of scrub and bushes on the west side of the bridleway walked/ridden surface and a shallow ditch approximately two metres across. All this needs to be cleared and levelled before construction. The shallow dry ditch needs bridging by a suitable culvert crossing.
- The purpose of the link is as an all-weather pedestrian access for everyday active travel between the application site and the existing housing along and beyond Troon Way. So, the link needs a tarmacked surface, constructed to adoptable footway standards, to be an effective continuation of the path constructed by David Wilson Homes.
- To minimise the length of tarmacadam along the bridleway the new link should be continued westwards so it joins the intended estate roads adjacent to the south side of plot 24. A path link straight across from the existing path would reduce the need for any additional street lighting beyond the streetlight already located by the site boundary.

The existing proposals on the drawing POS & Existing Footpaths Surface Scheme - Rev C do not match any of these requirements. So that drawings need to be amended to reflect an effective and appropriate route for the link path. It would also be most consistent for this link path to be added to the routes currently the subject of the Section 38 Agreement progress with the LHA.

Date Received
6 May 2025

Case Officer
Amy Stone

Reviewer
BD

Date issued
30 May 2025