

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: 24/00863/REM

Highway Reference Number: 2024/0863/04/H/R2

Application Address: 130 Stamford Street Ratby Leicester Leicestershire LE6 0JU

Application Type: Reserved Matters

Description of Application: Re-consultation. Approval of reserved matters (access, appearance, landscaping, layout and scale) of outline planning permission (24/00243/OUT) for erection of a single dwelling

GENERAL DETAILS

Planning Case Officer: David Spring

Applicant: Mr Max North

County Councillor: Cllr Ozzy O'Shea

Parish: Ratby

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 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 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

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

'Approval of reserved matters (access, appearance, landscaping, layout and scale) of outline planning permission (24/00243/OUT) for erection of a single dwelling.'

The proposals are at 130 Stamford Street, Ratby, Leicestershire, LE6 0JU.

The LHA previously responded to the LPA on 8 October 2024 and 29 November 2024 requesting further information and to raise the issue of encroachment onto public right of way R50.

In response to the LHA the Applicant has provided the following information.

- Landscape Plan, drawing number 107-04 Rev B;
- Landscape Plan, drawing number 107-03 Rev A; and
- Site Location Plan.

Site Access

The Applicant is seeking approval of reserved matters (access, appearance, landscaping, layout and scale) of outline planning permission (24/00243/OUT) for erection of a single dwelling.

The access was assessed as part of application 23/00774/REM and found to be in accordance with Leicestershire Highway Design Guide (LHDG) standards for two to five dwellings. It should be noted this application would bring the total number of dwellings utilising this access to four. A copy of the LHDG can be found at <https://resources.leicestershire.gov.uk/lhdg>.

Given the above the LHA would not seek any amendments.

Highway Safety

There have been no Personal Injury Collision's (PIC's) recorded along the entire length of Stamford Street within the last five years.

The LHA do not consider that the proposals are likely to exacerbate the existing highway situation.

Internal Layout

The Applicant is proposing a one x three-bedroom dwelling. The LHA are satisfied that the proposed internal layout as demonstrated on 'Landscape Plan', drawing number 107-04 Rev B accords with Part 3, Paragraphs 3.151 (Quantum of Parking Spaces) and 3.165 (Parking Space Dimensions) of the LHDG.

As such, the internal layout is acceptable to the LHA.

Public Right of Way (PRoW) R50

The application site adjoins the route of Public Footpath R50 where it exits Ratby village. The initial 'Landscape Plan', drawing number 107-04 Rev 0 was based on a misinterpretation so the southern boundary and house wall approximately 1m outside the existing physical and landownership boundaries and sought the removal of the strip of grass verge along the north side of the existing crushed stone surface of the footpath. As well as being contrary the National Planning Policy Framework (NPPF), and the LHDG, it was an unlawful encroachment on the highway extent of the footpath.

The LHA can confirm the 'Site Location Plan', drawing number 107-002 Rev A and 'Landscape Plan', drawing number 107-04 Rev B have been re-drawn to address this, and the latter notes that the southern site boundary is the 'Existing Feather Edge 1.8m high fence'.

The NPPF is applied in a local context by the LHDG annex 'Development and Public Rights of Way' at: <https://tinyurl.com/devprowguide>. That guidance seeks to prevent paths being encroached upon and made narrow or being overshadowed, either by new boundaries, nearby construction, or vegetation planting - including the adverse impact of tree roots.

To this end the LHA often requests a condition that 'No trees or shrubs should be planted within 1m of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species. The LHA is concerned that the tree proposed for the southwestern corner of the site, the *Betula pendula*, is located less than 1m from the boundary of the public right of way and should re-located slightly northwards. This can be dealt with via condition.

Taking all the above into consideration, the LHA would not seek to resist the proposals subject to the following conditions.

Conditions

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements, parking and turning facilities as shown on Landscape Plan, drawing number 107-04 Rev B have been implemented in full. Thereafter the access, onsite parking and turning provision shall be kept available for such use in perpetuity.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, and 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 general highway safety and in accordance with the National Planning Policy Framework (2023).

2. 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 re-enacting 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 (2023).

3. Any proposed changes to the existing boundary treatment currently separating the application site from the Public Right of Way, must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework 2023.

4. No trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.

Reason: to prevent overgrowth in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework 2023

Informatives

The following notes should be drawn to the applicant's attention:

- 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
29 November 2024

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
6 December 2024