

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: 24/00353/NMA

Highway Reference Number: 2024/0353/04/H

Application Address: Land Off Captains Lane Markfield Leicestershire LE67 9UY

Application Type: Non-material amendment

Description of Application: Non material amendment to planning permission 24/00074/CONDIT.

Amendment to change the amend the trigger to submit details of play equipment and signing scheme for public right of ways until prior to occupation of phase 2 of the development

GENERAL DETAILS

Planning Case Officer: Emma Baumber

Applicant: Mr Mitesh Rathod

County Councillor: Cllr Peter Bedford

Parish: Markfield

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:

No objection

No objection to the non-material amendment of Condition 33

No comments

Condition 30 was not advised by the Local Highway Authority (LHA) who therefore have no comments to make on these details.

Advice to Local Planning Authority

Background

The LHA has been consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority on the non-material amendment of Condition 33 of application reference 23/00117/CONDIT

Condition 33

For the avoidance of doubt, Condition 33 reads:

Prior to first occupation of the development hereby approved, a signing scheme in respect of the Public Rights of Way, should be submitted to and approved in writing by the Local Planning Authority. The agreed signing scheme shall be completed prior to first occupation of the development.

Highways Comments:

Public Footpaths R4 and R29 run through the site. The LPA Planning Portal for this application includes an email from the applicant dated 19th April 2024. That email comments on two issues concerning the site and the public rights of way:

1. Amend the trigger point for submitting the signing scheme for public right of ways until prior to occupation of phase 2 of the development.
2. Applying for a permanent diversion of the Public Right Of Way (PROW) to align with the applicant's layout.

In relation to these:

1. The LHA agree that it would be unreasonable to submit a signage scheme until the legal diversion has been agreed upon.
2. As the applicant notes above, a diversion of Footpath R4 is planned. However, it is highlighted other parts of Footpaths R4 and R29 need permanently diverting so they align with the applicants plans.

The LHA has provided Layout drawing No. 6675-A-05-Q (for application 20-01283-FUL) overlaid with the public rights of way shown on the Definitive Map in Figure 1 below. The annotated issues are:

A-B: Is where the applicant knows Footpath R4 must be diverted to reflect their plans.

C-D: The applicant's plan has a different route for R4 compared with the Definitive Map.

A-E: The legal alignment of Footpath R29 is different from the physical route on the ground for historical reasons. Changing that legal alignment also needs to be included in the applicant's diversion application so that PROW also aligns with the applicant's layout, or otherwise the new development becomes technically an unlawful highway obstruction.



Figure 1: PROW extract (not to scale).

Informative

- A separate application for a diversion of an existing Public Right of Way should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of Public Rights of Way until a Diversion Order has become operative.
- A Public Right 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.

Date Received
25 April 2024

Case Officer
Ben Dutton

Reviewer
DH

Date issued
13 May 2024