

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: 24/00496/REM

Highway Reference Number: 2024/0496/04/H

Application Address: Land North Of Hill Top Farm Hill Top Earl Shilton Leicestershire

Application Type: Reserved Matters

Description of Application: Approval of reserved matters (appearance, landscaping, layout, scale) for 140 dwellings and associated infrastructure pursuant to 21/00135/OUT (Residential development for up to 140 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) (Outline- access only)

GENERAL DETAILS

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Countryside Properties

County Councillor: Richard Allen

Parish: Earl Shilton

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 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) have been consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a reserved matters application (appearance, landscaping, layout, scale) of outline application 21/00135/OUT for a residential development of up to 140 dwellings. The site is located at land north of Hill Top Farm, Hill Top, Earl Shilton.

Internal Layout

Details of the internal layout of the site are provided on BRP Architects drawing number C253-BRP-00-00-DR-A-0202 Rev. P03. The Applicant has indicated on brp drawing number C253-BRP-00-00-DR-A-0209 Rev P03 the sections of road that they wish 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>).

After reviewing the drawing, the LHA advises that the internal access roads are currently not suitable for adoption and the amendments below are required at the application stage prior to determination. The LHA advises that whilst the road layout is not considered unsafe and adoptability is not a material planning consideration, the following amendments to the layout should be undertaken at this stage, as plot layouts could be affected.

- The proposed shared surface does not conform to LHDG standards, as a shared surface should have an overall corridor width of 7.5m consisting of a 4.8m carriageway and two 1.35m footways. Please amend the drawing to suit.
- The proposed 'pedestrian footpaths' appear to encroach on to the carriageway on multiple occasions, the footpaths should tie in to the back of the carriageway and should not be integrated into it.
- It is believed a shared 3.0m shared footway/ cycleway is proposed to the south of the main spine road, which would tie in to the proposed shared use footway/ cycleway off-site along Leicester Road. Details as to how cyclists would re-join the carriageway e.g. road markings would be welcomed at this stage.
- The turning heads must be designed in accordance with the LHDG, subsequently these will need amending. The turning heads appear to be too long in multiple areas, turning heads should end at the tangent point of the radius, private drives and access roads should be extended. Please refer to Part 3, Figure DG4b of the LHDG. It should be noted that following amendment of the turning head for the road between Plots 70 and 32 shown below, there would not be six direct frontage accesses off the road. The LHA therefore advise this would not be considered suitable for adoption and the layout should be amended accordingly, should the Applicant wish for the site to be considered for adoption.



Parking provision and Shared Private Drives

The LHA has reviewed brp drawing number C253-BRP-00-00-DR-A-0204 Rev P03 which details the parking bay types. The LHA consider the level of car parking provision provided for each plot to be in accordance with the LHDG, however clarification should be provided in respect of the garage dimensions for some Plover plots as internal dimensions would need to measure 6x3m to count as a parking space.

The LHA consider the design of the shared private drives to be acceptable. It is advised that 1x1m pedestrian visibility splays are shown on the drawing where private drives/ shared private drives meet the adoptable footways.

Public Rights of Way

Public Footpaths T93, T94 and U28 run adjacent to and through the proposed development. A site location plan, overlaid with an extract from the Definitive Map of Public Rights of Way is provided below in Figure 1.

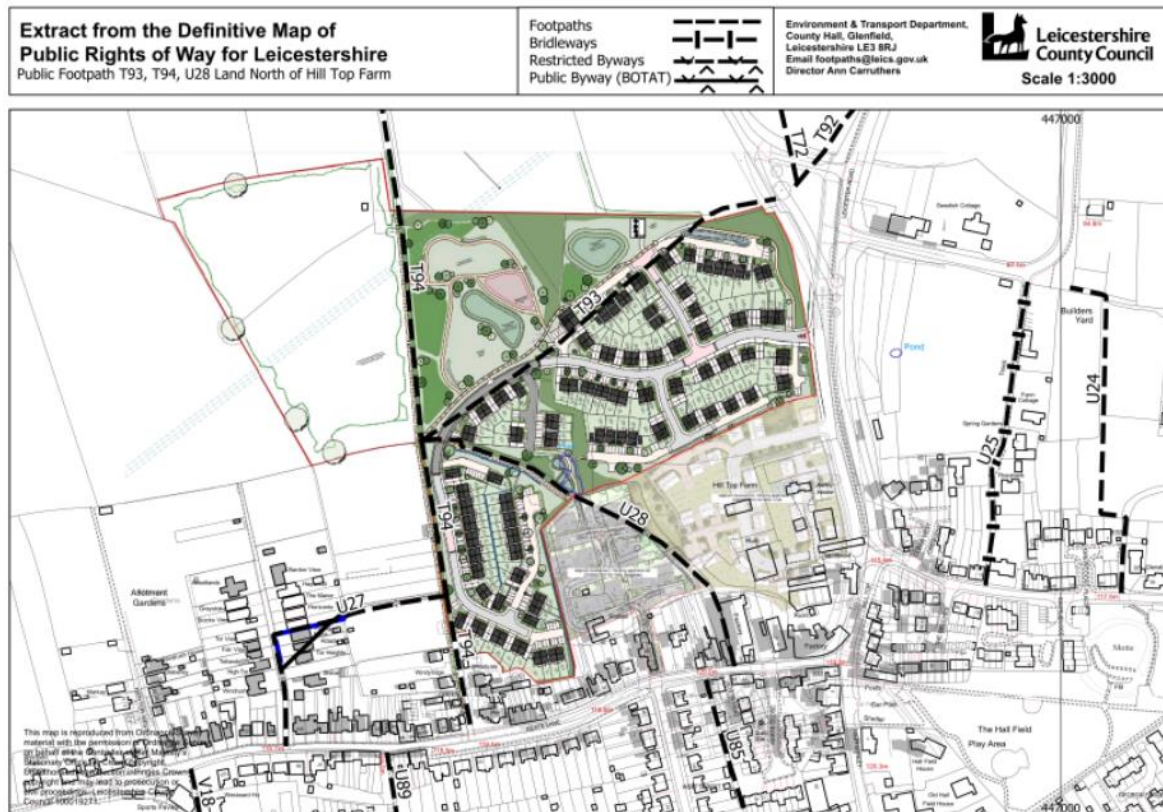


Figure 1: Extract from the Definitive Map of Public Rights of Way (not to scale).

It is noted that Public Footpath T94 and U28 are proposed to be retained on their legal line. Public Footpath T93 is proposed to be rerouted slightly to the north of its legal line.

A separate application is required for the diversion of Footpath T93. It should be submitted under the Town and Country Planning Act 1990 to the LPA. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.

The LHA is aware a condition was included within the decision notice of application 21/00135/OUT which includes details in respect of the treatment of the public rights of way, including management during construction, surfacing, widths, structures, landscaping and signing.

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 brp drawing number C253-BRP-00-00-DR-A-0204 Rev P03. 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 (December 2023).

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 that serves those dwellings has been provided in accordance with Figure DG17 of the Leicestershire Highway Design Guide. 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 (December 2023).

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 (December 2023).

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 (December 2023).

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 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 (December 2023).

Informatives

- 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 of Way are not exposed to any elements of danger associated with construction works.
- Public Rights 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.
- If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It 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 a Public Right of Way until a Diversion Order has been confirmed and become operative.
- 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.
- Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- 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
30 May 2024

Case Officer
Ben Dutton

Reviewer
RD

Date issued
27 June 2024