

**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.

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**APPLICATION DETAILS**

Planning Application Number: 24/01090/REM

Highway Reference Number: 2024/1090/04/H/R1

Application Address: Land Off Desford Lane Ratby Leicestershire

Application Type: Reserved Matters

Description of Application: Re-consultation. Approval of reserved matters (access, appearance, landscaping, layout and scale) of outline planning permission 21/01295/OUT for 225 dwellings (including 40% affordable housing) with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point

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**GENERAL DETAILS**

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Bellway Homes Limited

County Councillor: Cllr Ozzy O'Shea

Parish: Ratby

Road Classification: Class C

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**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 116 of the National Planning Policy Framework (2024), 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 re-consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a Reserved Matters application (access, appearance, landscaping, layout, scale) of outline (access) application 21/01295/OUT for a residential development of 225 dwellings. The site is located at land off Desford Lane, Ratby. The LHA previously advised it had no objection to the proposals on 20<sup>th</sup> December 2024, however the internal road network was not considered suitable for adoption, therefore amendments to the layout would be required at the application stage should the Applicant wish for the internal roads to be considered for adoption.

The LHA has reviewed the following documents submitted by the Applicant in support of the proposals:

- DHA Architecture Ltd drawing number 082404-BEL-EM-01 Rev. A (Presentation Planning Layout);
- DHA Architecture Ltd drawing number 082404-BEL-EM-02 Rev. A (Supporting Planning Layout);
- DHA Architecture Ltd drawing number 082404-BEL-EM-05 Rev. A (Unit Types Layout);
- Residential Engineering Design Ltd drawing number 150 (General Arrangements); and
- Residential Engineering Design Ltd drawing number 600 (Concept Refuse Vehicle Tracking).

As previously advised, the LHA notes that the Applicant has stated on the submitted application form that internal access is to be considered as part of this application. The LHA considered the site access arrangements, where the site connects to Desford Lane, along with off-site works as part of the outline application.

### **Internal Layout**

As advised previously, the Applicant has indicated that they wish for the main internal development roads 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://www.leicestershirehighwaydesignguide.uk/>).

The LHA advise that currently the proposals would not be suitable for adoption and that the amendments below would be required at this stage prior to the application being determined should the Applicant wish for the roads to be considered for adoption. Several of the comments were raised previously by the LHA. It should be noted that whether the road layout is adopted is not a material planning consideration and the LHA do not consider the road layout to be unsafe, therefore the LHA would not seek to resist the proposals.

- The speed control measures designed into the layout are not in accordance with the LHDG, as the spacing currently proposed presents in areas under and over calmed. For further information, the Applicant should review [Table 20 and Figures 27 – 32](#) of the LHDG.
- The Applicant is required to remove the rumble strips from the proposed highway layout.
- Carriageway widths of side roads should be 4.8m if serving less than 50 plots. The LHA would however be satisfied for some side roads to be left at 5.5m to futureproof for potential further phases.
- Tactile paved uncontrolled pedestrian crossings should be provided and shown at junctions/where appropriate, these are missing.
- The 1.35m 'footways' should be located around the full turning head at the shared surfaces.
- Visitor parking bays located within the highway require removal from the layout.
- There are five or less plots fronting onto the roads serving Plots 8,9,33,16 and 78,79,80,86,87, in line with the [Highway adoption policy](#) in the LHDG these roads should be

redesigned to increase the number of frontages, or not be proposed for adoption.

- The road serving Plots 44,43,45,52,65,66, whilst directly fronting six plots, only meets the requirements as the turning head has been extended beyond the tangent points of the radii, and as such is not considered acceptable. This should be redesigned to directly serve six plots or more with a shorter turning head or not be proposed for adoption.
- Bend widening should be implemented at the appropriate bends, in line with [Table 7 & 8](#) of LHDG.
- 25m forward visibility splays are required, and the areas within the splays should be conveyed as highway outside Plots 1-2, 46 and 179, in accordance with the LHDG. For further information, please see LHDG, [Figure 8](#).
- The junction radii should be 6m for any side roads. Further information is available within [Table 9](#) of the LHDG.
- The Applicant should also note that radii for turning heads should typically be 8m. Further information is available within [Figure 12](#) of the LHDG.
- Some turning heads are unnecessarily large as they do not need to be extended beyond the radii. The Applicant is required to shorten the turning heads to just beyond the tangent points of the radii and extend the private drives to suit. Further information is available within [Figure 12](#) of the LHDG.

#### Additional Comments:

- In line with Leicestershire County Councils [Road safety audit policy](#), a Stage 2 RSA will be required if the S38 application is made to the LHA.
- The retained farm access will be subject to an increased access construction at the S38 stage.
- The tree species will need to be agreed, to ensure a clear stem height, as to not impede on highway users' visibility. This will be checked further and approved at the S38 stage.
- Consideration of root barrier/deflection treatment will be required when proposing trees/shrubs adjacent to the footway. This will be checked further and approved at the S38 stage.
- At this stage it is not possible to comment on the vertical alignment, drainage, materials or proposed construction details.

#### Parking provision and shared private drives

The LHA has reviewed the parking provision and shared private drives shown on DHA Architecture Ltd drawing number 082404-BEL-EM-02 and can advise the following points:

- The dimensions of all parking spaces are generally in accordance with the LHDG guidance.
- Whilst the level of parking provision is generally considered acceptable, LHA notes that triple tandem parking (including garages) is proposed for several plots with four or more bedrooms.

As per the [off-street residential car parking standards](#) guidance within the LHDG, only the first two parking spaces would be counted towards parking provision. The LHA requests that parking provision is reviewed for these plots so that a maximum of two spaces are provided in a tandem arrangement. Experience shows that triple tandem arrangements can lead to an increase in on-street parking.

### **Public Rights of Way (PRoW)**

This application site includes public right of way Footpath R41 which, from Desford Lane Ratby, goes to Desford Lane, Kirby Muxloe and continues as Footpath S4 linking with other public rights of way (PRoW) around the western edge of Kirby Muxloe. With outline permission 21/01295/OUT and the previous 24/01090/REM application, the PRoW section has raised several issues, which are now partially addressed. The LHA still request a specific condition for a PRoW treatment scheme, as outlined below, to ensure all issues are covered and documented together.

A PRoW treatment scheme should, where relevant, include:

- a) 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.
- b) Any physical construction works: including widths, surfacing, drainage, structures, signposting, and impacts on the PRoW of any landscaping and boundary treatments.
- c) 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.
- d) Ensuring these things reflect the LHDG, and particularly the LHDG annex on Development and public rights of way at: <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/public-rights-way>.

The LHDG locally applies the NPPF and the Planning Practice Guidance (PPG). NPPF paragraph 105 requires that *'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users ...'*. The PPG includes Rights of Way circular 1/09 which is the main government policy on Development and PRoWs.

A PRoW 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 each document. In terms of what else needs addressing and documenting:

- a) The current application includes the Supporting Planning Layout drg. 082404-BEL-EM-02 Rev A. This requires further amendment. The drawing shows the sections of PRoW to be 'Stopped-up' and 'Re-routed'. However, the proposed routes repeat a common misconception that they both must start from the same point. Whereas, when a PRoW starts from a public carriageway (as in this case), it may be diverted to a point on the same or a connected carriageway, as long as, that point is substantially as convenient to the public.

The PPG in Circular 1/09 paragraph 7.8 requires that *'... any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made-up estate paths through landscaped or open space areas away*

*from vehicular traffic.’ The LHDG PRow annex paragraph 10 adds that ‘If a diversion of a public right of way is necessary, an alternative route should be provided which is in the main, separate from proposed estate road footways, so that the path maintains its identity.’*

For these reasons the previous LHA comments advised ‘the new legal alignment should start from Desford Lane Ratby on the south side footway of the new site access road.’ To maintain the distinct identity of the PRow as a through route that is still the requirement. Included here are excerpts of the Supporting Planning Layout drawing showing what the applicant proposes and what would better satisfy the NPPF and PPG requirements.

### Supporting Planning Layout excerpts



Stopped up Public Right of Way  
Bellway Re-routed Public Right of Way  
LHA Advised New Public Right of Way



As noted before a separate application for this permanent diversion under the Town and Country Planning Act 1990 must be submitted to, and confirmed by, the Local Planning Authority before the development is substantially complete.

- b) The submitted Landscape Strategy drawing: 12963-FPCR-XX-XX-DR-L-0001 rev P05 shows the diverted and retained sections of Footpath R41 are to be surfaced and have 1.0 metre offset of mown grass on both edges, though no surfacing specification is indicated. As previously noted:
  - (i) Surfacing should reflect the Footway standard on LHDG drawing. SD/11/5.

- (ii) Where the path starts from Desford Road and at any point where it leaves the site access road there should be PRow standard signs to LHDG drawing: SD/FP/7, reflecting the requirement of Countryside Act 1968 section 27.
- (iii) To improve accessibility, and to reflect the government's 'least restrictive option' policy for PRow barriers, in the southern site boundary any existing stile should be removed and replaced with a stockproof metal pedestrian gate reflecting LHDG drawing: SD/FP/12 and, to show the route ahead in the field, a replacement marker post matching drawing: SD/FP/6.

## **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 DHA Architecture Ltd drawing number 082404-BEL-EM-02 Rev. A. 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 (2024).

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 and dropped kerbs that serves those dwellings has been provided in accordance with DHA Architecture Ltd drawing number 082404-BEL-EM-02 Rev. A. 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 (2024).

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 (2024).

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 (2024).



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 reenacting 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 (2024).

6. No development shall take place until a scheme for the treatment of the Public Rights of Way (R41) has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include, where relevant, management during construction (including proposed temporary route(s)); ensuring plans reflect the correct legally-recorded PRow alignments; and any new construction works. Physical construction should address width, surfacing, drainage, structures, signposting, and impacts of any landscaping and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted guidance on Development and Public Rights of Way. 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 Paragraph 105 of the National Planning Policy Framework (2024).

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

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework (2024).

### **Informative**

- 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](mailto: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(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](mailto: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**  
**3 March 2025**

**Case Officer**  
**Ben Dutton**

**Reviewer**  
**DH**

**Date issued**  
**19 March 2025**