

**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: 24/00828/REM

Highway Reference Number: 2024/0828/04/H/R2

Application Address: Land South Of 295 Main Street, Stanton Under Bardon, Leicestershire

Application Type: Reserved Matters

Description of Application: Re-consultation. Approval of reserved matters (layout, scale, appearance, landscaping and access other than vehicular access) of outline planning permission (ref: 22/00527/OUT) for residential development of 50 dwellings.

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### **GENERAL DETAILS**

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: C/O Agent

County Councillor: Cllr Peter Bedford

Parish: Stanton-under-Bardon

Road Classification: Adopted Unclassified

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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).

#### **Advice to Local Planning Authority**

#### **Background**

The Local Highway Authority (LHA) has been re-consulted on a planning application for Approval of the reserved matters (layout, scale, appearance, landscaping and access other than vehicular access) of outline planning permission (ref:22/00527/OUT) for a residential development of 50 dwellings located on Land South of 295 Main Street in Stanton under Bardon, Leicestershire.

The LHA previously advised within its detailed observations dated 4th October 2024 that whilst it had no objection to the proposals subject to conditions, the internal road layout of the development would not be considered suitable for adoption.

The LHA have reviewed the Applicant's submitted drawing titled 'Visibility Plan,' drawing number 24005-BMC-25-XX-DR-C-811 P01, and drawing titled 'Planning Layout,' drawing number SUB/PL/001 Revision B. The LHA understands that the Applicant has made several amendments to their plans following the initial consultation.

### **Site Access**

Access to the development was approved at the outline planning stage; therefore, the LHA will offer no further comments on the access arrangements.

### **Internal Layout**

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 advises that the proposed highway layout is largely in accordance with the Leicestershire Highways Design Guide and therefore would be suitable for adoption subject to changes required by a full technical audit.

### **Proposed Highway Layout**

- The LHA direct the Applicant to the section of the LHDG titled "Approvals, road adoptions and commuted sums," for further guidance on the requirements for adoptable roads in Leicestershire.
- The LHA notes that the Applicant has addressed forward visibility at the bends adjacent to plots 5, 27 and 40 on the submitted drawing titled 'Planning Layout,' drawing number SUB/PL/001 Revision B, however the accompanying visibility splays demonstrate 17 metres of forward visibility splays. However, the LHA requests that the Applicant demonstrate 25 metres of forward visibility splay on all Residential Access Roads.
- Speed control measures appear to be in accordance with the LHDG and can be fully appraised at the detailed design stage, should a S38 agreement be requested.

### **General Comments**

- The Applicant should be advised that Leicestershire County Council will not maintain any of the additional green areas shown on the Planning Layout.
- Any trees within highway land should have detailed that root protection will be installed where trees and bushes are located at the back of the highway boundary in private land. In addition, trees must also have a minimum 2m clear stem where they are located near the highway.
- Any roads which are proposed to be put forward as part of a Section 38 agreement should have gradients which conform to the standards set out in LHDG section titled "General layout and geometry - residential sites," which can be found at:

[https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/general-layout-and-geometry-residential-sites.](https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/general-layout-and-geometry-residential-sites)

- The LHA is unable to comment on drainage proposals as the gully positions have not been shown. All drainage should be in accordance with the requirements of the LHDG which can be found at <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/highway-drainage-design>. It must be ensured that surface water from private land does not run or pool in the public highway.
- The LHA notes that a Bin Collection Point (BCP) has not been provided for plots 28-31. This is a concern for the LHA given the layout at the entrance to the shared driveway, the proximity of the adjacent driveway and the amenity path access.
- The LHA advises the Applicant that a commuted sum will be charged for the extended area of turning head at plot 13, as it is in excess of the requirements of Figure 12 of the LHDG.

### **Public Footpath R19**

The LHA are aware that Public Footpath R19 runs through the proposed development.

The LHA advises the site plans need to reflect the alignment of the Public Footpath as legally 'fixed' by the Definitive Map of public rights of way. Local Authority searches for property sales are based on the Definitive Map and if the legal alignment of a PRoW is not the same as a physical path, this can derail or block subsequent house sales. This will need to be noted and considered by the Applicant.

Below is the Planning Layout (Rev B) overlaid with the Definitive Map showing that, near the southern site boundary, the physical footpath on the site plans is at least 2 metres east of the legal alignment, placing the public right of way on the front drives of plots 27-31. The applicant should liaise with Leicestershire County Council (LCC) to ensure their route is legally correct (and to avoid the costs, complications and delays due to needing a legal order to divert the footpath to correct any anomalies).



Where construction work requires a public right of way to be temporarily diverted, at least 12 weeks beforehand, an application to networkmanagement@leics.gov.uk must be made for a Temporary Traffic Regulation Order. An order may last for up to six months. If further closure period(s) are needed, then that requires additional applications. The Location Plan for this application shows the site boundary as including a 'tail' south of the development site which is the construction site access route. That overlaps with Footpath R19 for approximately a further 70 metres. That section must be included in any temporary diversion plans. Also, after use as a site access the Footpath surface will need restoring to a suitable state even if the land is subsequently a pasture field.

It should also be noted under the Highways Act 1980 stiles and gates on paths are the landowners' responsibility. Reflecting the Equality Act 2010, government policy is that barriers on public rights of way should be the 'least restrictive' option and accessible to users with reduced mobility. In particular, stiles can be awkward even for otherwise able walkers, such as older people, who have mobility limitations such as hip or knee problems that make it more difficult to climb over barriers.

The 22/00527/OUT Design & Access Statement on pages 10, 35, and 47 shows pictures of various stiles on the existing Footpath. Given the NPPF para 105 enhancement duty, it is requested that, at the site boundaries, any stiles in fences or hedges belonging to the applicant (or their neighbours if they consent) are replaced by metal kissing gates comparable to the LCC specification on LHDG drawing SD/FP/12, accompanied by new yellow-topped waymarker posts matching the specification on LHDG 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 Allison homes drawing titled 'Planning Layout' drawing no. SUB/PL/001 Revision B. 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 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 that serves those dwellings has been provided in accordance with 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 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 (December 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 (December 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 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 2024).

6. No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction, including proposed temporary route(s); ensuring plans reflect the correct legally-recorded PRoW alignment; 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 Notes for Developers. 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.

## **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.
- To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- The Public Footpath should comprise of 2 metres surfaced width with a 1 metre grass verge either side in accordance with the County Council's Guidance Notes for Developers.
- 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](mailto: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.

**Date Received**  
**10 January 2025**

**Case Officer**  
**Harry Smith**

**Reviewer**  
**BD**

**Date issued**  
**24 January 2025**