

**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: 26/00277/CONDIT

Highway Reference Number: 2026/0277/04/H

Application Address: Forest House Leicester Lane Desford Leicestershire LE9 9JJ

Application Type: Variation of Condition (s73)

Description of Application: Variation of conditions 1 and 3 of planning permission 25/00472/REM (Outline 22/01160/OUT) to amend plans, parking, turning and cycle parking facilities.

GENERAL DETAILS

Planning Case Officer: Emma Baumber

Applicant: Julie Clark

County Councillor: Markfield, Desford & Thornton ED - Charles Whitford CC

Parish: Desford

Road Classification: Class B

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 variation of conditions 1 (Approved Plans) and 3 (Parking, Turning and Cycle Parking Facilities) attached to 25/00472/REM.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) have been consulted on application 26/00277/CONDIT for the variation of conditions 1 (Approved Plans) and 3 (Parking, Turning and Cycle Parking Facilities) attached to 25/00472/REM.

25/00472/REM sought approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 22/01160/OUT for a proposed commercial unit (Use class E(g) including the discharge of conditions 5 (construction traffic management plan), 7 (ecological strategy), 12 (PRoW treatment), 13 (surface water drainage) and 14 (WSI) of outline planning permission 22/01160/OUT.

The LHA have reviewed the following documents as part of these observations:

- Application Form

- Site Location Plan
- Proposed Ground Floor Plan, drawing number 8658 0303 1002 Rev PL1
- Proposed First Floor Plan, drawing number 8658 0303 1003 Rev PL1 and
- Proposed Site Plan, drawing number 8658 0303 1001 Rev PL1

Condition 1

Condition 1 has been replicated below for clarity.

'The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- *Site Location Plan*
- *Proposed Site Plan Dwg No. 8658_0302_1001 Rev PL2*
- *Proposed Ground Floor Plan Dwg No. 8658_0302_1002 Rev PL1*
- *Proposed First Floor Plan Dwg No. 8658_0302_1003 Rev PL1*
- *Proposed Roof Plan Dwg No. 8658_0302_1004 Rev PL1*
- *Proposed Elevations Dwg No. 8658_0302_1005 Rev PL2*
- *Proposed Landscaping Dwg No. 8658_0302_1011 Rev PL1*
- *Bat Box Specifications*
- *Bird Box Specifications*
- *Crevice Bat Boc Specifications*
- *Public Right of Way Details Dwg No. 8658_0302-1010 Rev PL2*
- *Construction Traffic Management Plan*

Reason: To ensure a satisfactory form of development and satisfactory external appearance in accordance with Policies DM1, DM6, DM10, DM11, DM12, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).'

and

Condition 3

Condition 3 has been replicated below for clarity.

'The development hereby permitted shall not be brought into use until such time as the parking, turning and cycle parking facilities have been implemented in accordance with Proposed Site Plan', drawing number 8658_0302_1001 Rev PL2. Thereafter the onsite parking, turning and cycle provision shall be kept available for such use 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. To enable vehicles to enter and leave the site in a forward direction, and that secure cycle parking is provided in the interests of highway safety and to promote travel by sustainable modes in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).'

Highways Comments:

The Applicant is seeking to reduce the size of the permitted building from 1,704sqm to 1,508sqm gross internal floor area.

The LHA have reviewed the drawing titled 'Proposed Site Plan', drawing number 8658 0303 1001 Rev PL1 and are satisfied that all matters relating to the highway remain the same.

Public Right of Way (R99)

The red line application site bisects public right of way Footpath R99 where it crosses the site access and southwest of the pond which is within the blue line ownership boundary.

The variations applied for do not appear to impact upon the Public Right of Way (PRoW), or change the relevant details approved under application 25/00472/REM on the drawing Public Right of Way Details Dwg No. 8658_0302-1010 Rev PL2.

As noted in the LHAs observations attached to the planning application 25/00472/REM dated 28/10/2025, the new pedestrian gates shown on that drawing need to comply with the following requirements:

- The gates installed are to provide a minimum 1.0 metre gap between the hinge post and the 'clapping' or closure post.
- The gates are fitted so as to swing easily, clear of the ground and any latches fitted will be easily accessible to pedestrians.
- The gates are maintained to allow free passage of pedestrians at all times.
- The gates remain the property and responsibility of the owner/occupier and all future maintenance responsibilities to keep the gate fit for its purpose will rest with them.

As previously noted, should the proposed works require the legally 'fixed' alignment of the PRoW to be temporarily closed or diverted for any period a Temporary Traffic Regulation Order is required. Details are on the LCC website at: <https://www.leicestershire.gov.uk/roads-and-travel/roadmaintenance/roadworks-closures-and-diversions>

Any application should be made at least 12 weeks before the temporary diversion is required.

For the reasons set out above, the LHA would not object to the variation of conditions 1 (Approved Plans) and 3 (Parking, Turning and Cycle Parking Facilities) attached to 25/00472/REM.

Informatives

- 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
13 April 2026

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
1 May 2026