

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

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

Application Type: Reserved Matters

Description of Application: 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: Tim Hartley

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 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) has been consulted on a planning application for 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 located on Land South Of 295 Main Street Stanton Under Bardon Leicestershire.

#### **Site Access**

The LHA understands access to the development was approved as part of the 2022 application, 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://resources.leicestershire.gov.uk/lhdg>).

After reviewing the drawing titled 'Planning Layout' drawing no. SUB/PL/001 Revision A, 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.

## **Proposed Highway Layout**

- The LHA direct the applicant to Part 3 Table DG1 of the LHDG for further guidance on the requirements for adoptable roads in Leicestershire. The LHA require all dimensions to be shown on future submissions in order to provide detailed highway comments.
- The LHA would consider the adoption of the internal roads, once compliant, due to there being an excess of six direct frontages being served by the proposed layout.
- The LHA advises the Applicant that forward visibility at the bends adjacent to plots 26 and 40 needs to be addressed.
- Carriageways and footways should be in accordance with the Part 3 Table DG1 of the LHDG for roads offered for adoption, and Part 3 Section DG17 of the LHDG for private areas.
- Footways should be a minimum of 2m wide where pedestrian footfall is expected, although a minimum 1m service margin may be acceptable where no properties are served.
- A dropped kerb crossing point for Public Footpath R19 which runs through proposed development will be required.
- Speed control measures will be required in order to achieve the design speed as set out in Part 3 Table DG1 of the LHDG. The alteration of vertical speed control measures can impact the driveway orientation of plots and should, therefore, be considered at the planning stage. The LHA note that the speed ramp outside Plot 7 infringes the vehicle access and requires amendment. Due to the layout of parking areas for plots 7-11, installation of an appropriate speed ramp may not be possible and this needs to be addressed.
- The speed table proposed at Plot 26/42 should be removed as a 90 degree bend is sufficient as a horizontal speed control measure. In addition, the ramp impedes the driveway of plot 42.
- The Applicant must ensure all internal junction radii are 6m in accordance with Part 3 Table DG5 of the LHDG. Junction visibility splays will need to be achieved in accordance with Part 3 Table DG1 of the LHDG and be wholly contained within the highway envelope.

- The Applicant should ensure all turning heads radii are 7.5m as per the Leicestershire Highways Design Guide Part 3 Figure DG4b.
- Bend widening, in accordance with Part 3 Table DG6 of the LHDG is required.

### 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 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 of 2m clear stem where they are located near the highway.
- Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary and a drop crossing of a minimum size, as shown in Part 3, Figure DG17 of the LHDG, at its junction with the adopted road carriageway.
- 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 Part 3, Table DG1: General geometry of residential road (internal) in the Leicestershire Highways Design Guide.
- Currently, it is not possible to comment on drainage proposals as gully positions have not been shown. All drainage should be in accordance with Part 3 DG 12 of the LHDG. It must be ensured that surface water from private land does not run or pool in the public highway.

### Parking Provision and Shared Private Drives

The LHA has reviewed parking provision within the site and advises that the number of parking spaces provided per plot is acceptable. However, the LHA note that some garages, where provided, are not in accordance with the dimensions stated within Part 3, Para. 3.200 of the LHDG. However, these are not required to count towards parking provision.

The LHA note that some of the driveways indicated on the submitted drawing titled 'Planning Layout' drawing no. SUB/PL/001 Revision A are bound on either one side or both sides. Therefore, in order to accord with the guidance set out in the LHDG, the access should include an additional 0.5m if bounded by a wall, fence, hedge, line of trees or other similar obstruction on one side, or 1m if bounded on both sides.

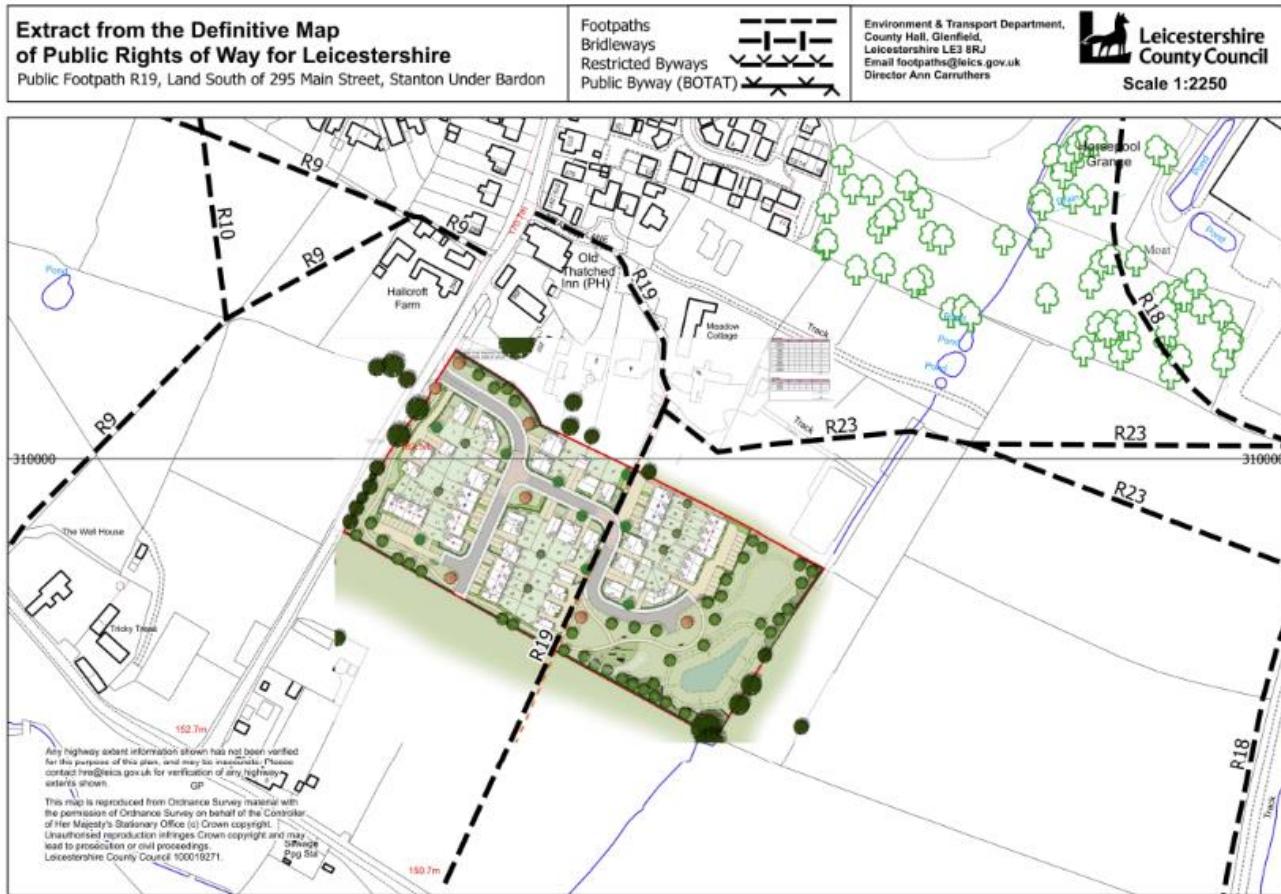
In terms of the dimensions of the parking spaces, several plots have dimensions below the widths required within Part 3, Paragraph 3.165 as they require additional widening to account for walls/ fences etc bounding one or both sides of the parking space. The LHA would ask the Applicant to ensure that parking space dimensions are in accordance with Para. 3.165 of the LHDG.

The LHA also advise that 1.0 x 1.0m pedestrian visibility splays should be provided where private drives and shared private drives meet a pedestrian footway.

The LHA also note that the private driveway serving Plots 1, 2 and 3 and the private driveway serving plots 12, 13, 14, 15 and 16 are not in accordance with Part 3 Figure DG17 of the LHDG. Therefore, the LHA advise the Applicant to ensure that these shared drives are designed in accordance with the LHDG.

### **Public Footpath R19**

The LHA are aware that Public Footpath R19 runs through the proposed development. An extract from the Definitive Map of Public Rights of Way has been included below for information:



An extract from the Definitive Map of Public Rights of Way (Not to scale)

The LHA are satisfied that Public Footpath R19 will be kept on its legal line in the drawing titled 'Planning Layout', drawing No. SUB/PL/001 Revision A.

However, the LHA are concerned that some of the proposed trees are close to the Public Right of Way. No trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way, this should therefore be addressed by the Applicant.

### **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 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 (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 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).

### **Informatics**

- 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).
- 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

**Date Received**  
**5 September 2024**

**Case Officer**  
**Harry McNicholas**

**Reviewer**  
**XX**

**Date issued**  
**4 October 2024**