

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: 24/00116/REM

Highway Reference Number: 2024/0116/04/H/R1

Application Address: Land North East Of Triumph Motorcycles Ltd Normandy Way Hinckley Leicestershire LE10 3BZ

Application Type: Reserved Matters

Description of Application: Re-consultation. Approval of reserved matters (landscaping) of outline planning permission (ref: 15/00188/OUT) for residential development of 87 dwellings.

GENERAL DETAILS

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Mr Mitesh Rathod

County Councillor: Cllr David Bill MBE

Parish:

Road Classification: Adopted Unclassified

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 re-consulted by Hinckley & Bosworth Borough Council as Local Planning Authority on a reserved matters (landscaping) application for outline planning permission (ref: 15/00188/OUT) for a residential development of 87 dwellings at land north east of Triumph Motorcycles Ltd, Normandy Way, Hinckley. The LHA previously requested additional information is provided in respect of the Public Rights of Way within its observations dated 1 March 2024.

The Applicant has now submitted the following drawings in support of the proposals:

- Ian Stemp drawing number 23.1825.001 Rev. A (Detailed Landscape Proposals 1 of 6)
- Ian Stemp drawing number 23.1825.006 Rev. A (Detailed Landscape Proposals 6 of 6)

Internal Layout

As advised previously, the proposals affect Public Footpaths T53/5 and U6.

The LHA previously highlighted that the Detailed Landscape Proposal drawings 1 of 6 and 6 of 6 adversely affected the public rights of way. Planned tree and hedgerow planting would obstruct the route and there was no specification for surfacing. The amended Detailed Landscape Proposals (1 of 6, Drg No. 23.1825.001 Rev A and 6 of 6, Drg No. 23.1825.006 Rev A) now fully address those issues for footpath U6.

The LHA do however advise that on the Detailed Landscape Proposals plan 6 of 6 (on both the original and Rev A) near the bottom left-hand corner is an annotation saying:

'Pink dashed line denotes position of Public Footpath T53/5 (note: route to be maintained although outside application'.

It should be noted this note remains unexplained. Within the overall Hinckley West development under outline permission 15/00188/OUT which the Applicant is responsible for, that section of public right of way and the land around it, consideration should be given to the surfacing for this section of the footpath and by whom. Nevertheless, the LHA consider this matter is beyond the remit of this application, given it is outside of the red line boundary. The Applicant may wish to contact Leicestershire County Council at footpaths@leics.gov.uk to discuss this matter.

Condition

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - a. Ian Stemp drawing number 23.1825.001 Rev. A
 - b. Ian Stemp drawing number 23.1825.006 Rev. A

REASON: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (December 2023).

Informative

- 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
9 May 2024

Case Officer
Ben Dutton

Reviewer
DH

Date issued
23 May 2024