

**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 Growth, Environment & Transport.

APPLICATION DETAILS

Planning Application Number: 26/00243/CONDIT

Highway Reference Number: 2026/0243/04/H/R2

Application Address: Land Off Desford Lane Ratby Leicestershire

Application Type: Variation of Condition (s73)

Description of Application: Re-consultation. Proposed variation of Conditions C10 (Pedestrian Crossing) and C18 (Off-Site Highways Works) of planning permission 21/01295/OUT for the erection of up to 225 dwellings (including 40% affordable housing) with public open space, landscaping, and sustainable drainage systems (SuDS) and a vehicular access point (Access only). Amendments to allow the highways works to be undertaken in accordance with the Section 278 Agreement.

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mrs Amy Gilliver

County Councillor: Groby & Ratby ED - Cllr Ozzy O'Shea

Parish: Ratby

Road Classification: Class C

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

Objection

Objection to Discharge of Conditions 10 and 18.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been re-consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on the proposed variation of conditions 10 (Pedestrian Crossing) and 18 (Off-Site Highways Works) of planning permission 21/01295/OUT / appeal reference APP/K2420/W/23/3330774. The LHA has previously objected to the variation of condition 18 within its observations dated 17th April 2026 and to the variation of both conditions 10 and 18 within its observations dated 18th May 2026.

The LHA has reviewed the following document submitted by the Applicant in support of the proposals.

- Revised Covering Letter dated 8th September 2026 and authored by Bellway; and
- Travis Baker drawing number SK105 (S278 – Reduced Cycleway Areas Plan).

Condition 10

For the avoidance of doubt, condition 10 reads as follows:

Notwithstanding plan 1726/19 Rev C in condition 4 (approved plans), prior to commencement of development a scheme for a pedestrian crossing north of the site on Desford Lane in the vicinity of the health centre shall be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian crossing shall be installed prior to occupation of the development.

Condition 18

For the avoidance of doubt, condition 18 reads as follows:

Prior to occupation of the development the offsite highway works detailed on approved plan 1726/16 Rev E including the shared use footway/cycleway along Desford Lane, realignment of part of Desford Lane, bus laybys, pedestrian refuge and gateway feature but excluding the pedestrian crossing north of the site on Desford Lane in the vicinity of the health centre, shall be implemented in full.

The Applicant proposes for the conditions to be re-worded as follows:

“The offsite highway works detailed on plan 24161/SK105 including the shared use footway/cycleway along Desford Lane, realignment of part of Desford Lane, bus laybys, pedestrian refuge and gateway feature and the pedestrian crossing north of the site on Desford Lane in the vicinity of the health centre, shall be implemented in full within 6 months of first occupation.”

Highways Comments

The Applicant states that the conditions are proposed to be re-worded to allow an enforceable timescale to be introduced, as well as substituting the original drawings to align with the details submitted and proposed under the Section 278 (S278) agreement. The LHA highlights the current enforceable timescale for both conditions is prior to occupation of the development.

It was initially stated a phased approach is being taken with regards to the S278 agreement with highways, to allow the road alignment, bus stops and gateway feature to be undertaken in one set of works prior to occupation, and the second set of works to include the footway and pedestrian crossing point prior to 50th occupation. The Applicant has later proposed to implement all the works prior to occupation of the 25th dwelling and now proposes within six months of occupancy.

The LHA advise the submitted drawing is yet to be granted technical approval. It is also still unclear as to why the Applicant is unable to construct the works prior to occupation of the first dwelling as no explanation or evidence has been provided.

The LHA highlight that the original application was refused by the LPA partially on the grounds of connectivity to the rest of Ratby.

Paragraph 29 of the Inspectors decision notice states:

“The quality of the walking route is also important in encouraging future occupants to walk or cycle rather than take the car for short journeys. In that regard the separate shared footway/cycleway with street lighting and the new pedestrian crossing would provide a safe route into the village for both pedestrians and cyclists. The provision of new bus stops with a central refuge to aid crossing the lane would also provide convenient and safe facilities for bus passengers.”

After reviewing Travis Baker drawing number SK105, the LHA advise there appears to be several pinch points along the route, whereby the route narrows from 3.50m down to 3.0m, 2.50m or 2.0m wide. With the exception of the section of footway where the culvert would need to be extended, which has always been acknowledged would be a pinch point, the LHA believe additional width could be provided along the other pinch points on the route and within the extents of the highway boundary., This could be provided through the use of retaining features. This would also provide a higher quality route for both pedestrians and cyclists with a more consistent width. The LHA therefore request the Applicant reviews the drawing with the view to providing additional width along the shared use footway/ cycleway.

The proposed shared use footway/ cycleway and signalled crossing would provide the only non-motorised link between the site and the village of Ratby. Furthermore, Desford Lane required realignment to secure appropriate vehicular visibility at the site access. Desford Lane is rural, subject to the national speed limit, is not street lit, there are gradients, bends in the road and there is a pinch point at the existing bridge with limited space for pedestrians to move off the carriageway should a vehicle be approaching. There are no alternative routes to access the site by all modes of travel, other than via Desford Lane and the existing pedestrian footway commences approximately 320m from the site. The LHA therefore has concerns with the site being occupied prior to the works being implemented, as these are required in the interests of both highway and pedestrian safety.

The LHA therefore maintains its objection in respect of the variation of conditions 10 and 18 and advises the LPA given the safety concerns outlined above, it cannot reasonably foresee how this can be overcome in terms of occupying the site prior to completion of the off-site works. The Applicant should however review the proposed shared use footway/ cycleway widths as advised above.

Date Received **Case Officer**
9 September 2026 **Ben Dutton**

Reviewer
DH

Date issued
24 September 2026