

**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/R1

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 the Variation 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 variation of condition 18 (offsite highway works) as part of application reference 21/01295/OUT / appeal reference APP/K2420/W/23/3330774.

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

- Proposed Wording of C10 and C18 document.

The LHA previously objected to the variation of condition 18 within its observations dated 17th April 2026. It is noted the Applicant has now included the variation of condition 10 within their submitted document.

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.

The Applicant proposes for the condition to be re-worded 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 25th dwelling.

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 condition to be re-worded as follows:

Prior to the 25th 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.

Highways Comments:

The Applicant previously requested the works required as part of condition 18 were implemented prior to occupation of the 50th dwelling.

It was previously 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, and the second set of works to include the footway and pedestrian crossing point.

The LHA advised that technical approval had not been granted for the off-site works or pedestrian crossing and that Leicestershire County Council had not agreed any phasing for the works with the Applicant. The Applicant did not provide any reasons why a phased approach is required for the construction of the off-site works, or why the footway/ cycleway and crossing point cannot be installed prior to occupation of the first dwelling.

The LHA advised that constructing the footway/ cycleway and crossing point prior to occupation of the 50th dwelling would leave a considerable number of residents without a safe and suitable walking route into Ratby and would therefore be unacceptable. On that basis, the LHA objected to the variation of Condition 18 and advised that all the works should be undertaken prior to occupation of the first dwelling in the interests of highway safety. It was also advised installation of the off-site works prior to occupation of the first dwelling could also reduce short car journeys to nearby shops and the primary school, which may otherwise be undertaken by residents out of necessity.

The Applicant previously also stated the pedestrian crossing would be implemented prior to occupation of the 50th dwelling, however the LHA were not aware of any application to vary condition 10. The Applicant has now included proposed wording to vary condition 10 as part of this application.

Whilst the Applicant has reduced the number of dwellings from 50 to 25, the LHA advises the situation is still the same in respect of technical approval. It is still unclear as to why the Applicant is unable to construct the works prior to occupation of the first dwelling as no explanation has been provided. The LHA therefore maintains its objection in respect of the variation of conditions 10 and 18.

Date Received
12 May 2026

Case Officer
Ben Dutton

Reviewer
DH

Date issued
26 May 2026