

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: 25/00983/NMA

Highway Reference Number: 2025/0983/04/H/R3

Application Address: Land South Of Sketchley Grange Hotel Sketchley Lane Burbage Leicestershire

Application Type: Non-material amendment

Description of Application: Re-consultation. Non material amendment to planning permission 23/01204/REM. Amendment to widen the public right of way, create a new footpath and relocate the play area and subsequent amendments to condition 5 and 7

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Ms Esther Wiles

County Councillor: Burbage ED - Cllr Barry Walker

Parish: Burbage

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:

Objection

Objection to Discharge of Conditions 5 and 7.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been re-consulted by the Local Planning Authority (LPA) on a non-material amendment to planning permission 23/01204/REM. The Applicant is applying for the amendment to widen the Public Right of Way (PRoW), create a new footpath and relocate the play area and subsequent amendments to conditions 5 and 7. The site is located at Land South of Sketchley Grange Hotel, Sketchley Lane, Burbage.

The LHA has previously provided a response in respect of the proposals on 30th May 2025 as part of application reference 25/00243/NMA, to which the LHA advised additional information was required. The LHA has subsequently been consulted on this current application (reference 25/00983/NMA) to which it objected to the non-material amendments to conditions 5 and 7. The LHA most recently objected to the discharge of both conditions on 23rd April 2026.

LHA has reviewed the following additional documents submitted by the applicant in support of the proposals:

- James Blake Associates drawing numbers JBA 23/348-02 Rev. W, JBA 23/348-04 Rev. W, JBA 23/348-05 Rev. W, JBA 23/348-07 Rev. W and JBA 23/348-12 Rev. V
- The Greenfield Design drawing number TGDP/SG-BH/POS-CP Rev. J
- Email dated 11th May 2026 from the Applicant to the LPA

Conditions 5 and 7

For the avoidance of doubt, Conditions 5 and 7 are provided below:

No development above floor plate level shall take place until a scheme for the treatment of the Public Rights of Way (Footpath U64 and Bridleway U67) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of, but not limited to, the surfacing, width, depth, and landscaping of the Public Rights of Way, and their associated way marking, and accessibility improvements, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetables.

Reason: In in the interests of protecting and enhancing Public Rights of Way and their access in accordance with Paragraph 104 of the National Planning Policy Framework (December 2023).

Prior to the development being first occupied details of the pedestrian link from Public Right of Way Bridleway U67 to Troon Way immediately to the east of Plot 24 to link in to the existing hard-surfaced link to Troon Way shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include, but not be limited to, the link's surfacing, depth, width, landscaping, and timetable for implementation. The proposed scheme shall be implemented in accordance with the approved details and shall be retained available for use thereafter.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 9 of the National Planning Policy Framework (December 2023).

The Applicant wishes to change the wording of Conditions 5 and 7 as follows:

Condition 5 – Treatment of the Public Right of Way

No development above floor plate level shall take place until the treatment of the Public Rights of Way has been carried out in accordance with the agreed POS & Existing Footpaths Surface Scheme - Rev D which shows the surfacing, width, depth, and landscaping of the Public Rights of Way, and their associated way marking, and accessibility improvements.

Condition 7 – Link to Troon Way

Prior to the development being first occupied details of the pedestrian link from Public Right of Way Bridleway U67 to Troon Way immediately to the east of Plot 24 shall be delivered in accordance with POS & Existing Footpaths Surface Scheme - Rev D. The proposed scheme shall be implemented in accordance with the approved details and shall be retained available for use thereafter.

Highways Comments:

The 23/01204/REM application site includes public rights of way Footpath U64 through the northwest corner and the two branches of Bridleway U67 through the eastern part of the site.

A previous application 24/00746/DISCON related to Condition 5 but that was not discharged as the treatment of the Public Right of Ways (PRoWs) was unsatisfactory and did not deliver the level of enhancement required by the National Planning Policy Framework (NPPF) Paragraph 105. After various exchanges of documents and information, the LHA's understanding of the latest position and assessment of proposals is as follows:

Treatment for Public Footpath U64

Surfacing: The applicant submitted 'POS and Existing Footpaths Surface Scheme Rev A' for 24/00746/DISCON which confirms U64 is to have timber edges either side of a 1.5 metre wide compacted stone surface. The LHA understands the surface should not be 'hoggin' (with a clay content) but be a locally-appropriate crushed stone such as 'Breedon Gravel' laid to a suitable specification, a recommended example for which is on this West Sussex CC drawing here: https://www.hassocks-pc.gov.uk/wp-content/uploads/2025/05/APPENDIX-8_-Hassocks-Parish-Council-Public-Right-of-Way-Improvements.pdf

Ground Profile and Drainage: This is essential with an unsealed path surface where water run-off easily causes surface erosion unless there are design features to prevent this. The drawing 'POS and Existing Footpaths Surface Scheme Rev A' notes that: "All POS footpaths to be installed with either camber or cross fall to prevent surface water flooding on footpaths." The West Sussex CC drawing referenced above also emphasises the need for a 1 in 40 crossfall.

Verges & Vegetation: To reduce outgrowth sideways from trees and bushes that impedes PRoWs the Leicestershire Highway Design Guide (LHDG) specifies that there should be a 1.0 metre unobstructed grass verge either side of any constructed surface, and that no trees or shrubs should be planted within 1 metre of the edge of the Public Right(s) of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

The recent submission includes several sheets of the 'Detailed Soft Landscape Proposals for Plots and POS' Revision W but does not include sheets 08 and 09. The latest version of those plans on the LPA web page for decision 23/01204/REM is Revision G uploaded on 09/05/2024. Revision W copies of plans 08 and 09 are needed for the impact on U64 to be confirmed.

Boundary Crossings: At the western end of U64 there is currently a low stile. A stile conflicts with the government's 'least restrictive' option policy reflecting the Equality Act 2010. Instead, there should be a more accessible barrier such as a Kissing Gate comparable to LHDG specification SD/FP/12 see: <https://www.leicestershirehighwaydesignguide.uk/sites/lcchighwaydesign/files/2025-10/sd-fp-12-woodstock-kissing-gate.pdf>. The location coincides with the application site boundary. However, the applicant has highlighted that the edge of this area is a separate land title from the rest of the development, so they state it is land not under their control. In which case the LHA may be able to install a gate at this location, but the applicant needs to confirm they will pay the LHA the direct costs of doing this work.

Legal Diversion: There is an existing anomaly from the end of Watling Close southwards where the legal alignment is blocked by vegetation and the route proposed to be constructed is on another alignment. The applicant has committed to applying for a legal diversion of Bridleway U67 and has agreed to include U64 to resolve this situation.

Any such diversion application must be both submitted and legally confirmed before the development is substantially complete. An early application is strongly advised.

Treatment for Public Bridleway U67

The eastern branch of U67 is remaining in its current location and the LHA will shortly add a 3.0 metre tarmac surface, funded by a previous development to the south of this site. This route will then be a cycleway for active travel between Sketchley Lane and the A5.

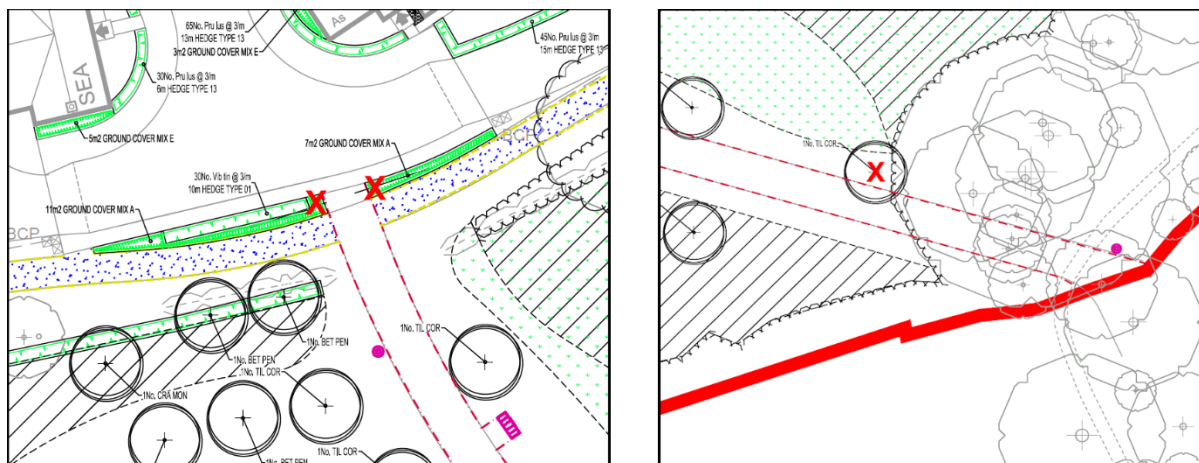
For historical reasons the U67 western branch has long been inaccessible. Through the northern part of this development, the bridleway will be replaced by estate roads. Through the southern part of the development, the bridleway becomes a non-motorised spine route through the public open space then feeding onto the new cycleway noted above.

Surfacing: The applicant has recently submitted 'Detailed Soft Landscape Proposals for Plots and POS' sheet 04 Revision W which confirms U67 is to have a 3.0 wide Bitumen Macadam Surface with concrete edgings. This is welcome. However, the applicant is advised that construction should match the cycleway standard on LHDG drwg. SD/1100/05 see <https://www.leicestershirehighwaydesignguide.uk/sites/lcchighwaydesign/files/2024-11/sd-1100-05-footway-vehicular-and-agricultural-field-access.pdf> If the route is constructed to adoptable standards the LHA will take on responsibility for the surface. Whereas if another standard is used then maintenance remains the responsibility of the landholder.

Ground Profile and Drainage: A sealed path surface resists water erosion, but it is still important to ensure future flooding is unlikely by including a camber or cross-fall on the surface and having the surface above the surrounding ground level, with drainage channels constructed if necessary to channel away any likely water.

Verges & Vegetation: To reduce outgrowth sideways from trees and bushes that impedes PRoWs the Leicestershire Highway Design Guide (LHDG) specifies that there should be a 1.0 metre unobstructed grass verge either side of any constructed surface, and that no trees or shrubs should be planted within 1 metre of the edge of the Public Right(s) of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

However, on the submitted 'Detailed Soft Landscape Proposals for Plots and POS' sheet 04 Revision W where the surfaced bridleway starts heading southwards from end of the turning head of the estate road, it shows shrub planting right up to the edge of the constructed surface, at the points marked by a red 'X' on the plan excerpt here left. Also, near the eastern exit of the site, one proposed tree is much nearer the constructed surface, at the point marked 'X' on the plan excerpt right. Both these amending to comply with the LHDG.



Avoiding obstructive structures: The applicant's initial proposals created potential obstructions with the position of bench seating, and with hedge planting at the end of the turning head of the estate road. The submitted 'Detailed Soft Landscape Proposals for Plots and POS' sheet 04 Revision W confirms that these issues have now been resolved.

Signposting: Fingerpost signs to LHDG drawing SD/FP/7

<https://www.leicestershirehighwaydesignguide.uk/sites/lcchighwaydesign/files/2025-01/sd-fp-7-footpath-bridleway-byway-fingerpost-sign-using-ff-set-brackets-and-uni-clips.pdf> are a legal requirement where a PRow exits from a surfaced road, whether public or private. Where a developer creates new junctions between a PRow and a road the developer is responsible for paying for the signs, though the LHA can arrange their installation and re-charge costs if there is prior written agreement to do so. This was raised during the consultation over application 24/00746/DISCON but it appears an applicant response is still outstanding. A fingerpost sign is needed at the end of the turning head of the estate road which is the start of the surfaced bridleway.

Legal Diversion: The western branch of Bridleway U67 needs legally diverting. One house now constructed by the applicant bisects the legal alignment and the new surfaced route through the public open space differs from the legal alignment here. The applicant has committed to applying for a legal diversion of Bridleway U67 to resolve these issues.

Any such diversion application must be both submitted and legally confirmed before the development is substantially complete. An early application is strongly advised.

New link between Bridleway U67 and Troon Way

As part of the original 21/01131/OUT application, this applicant agreed to investigate a 'footpath link' between the eastern branch of Bridleway U67 and the adjoining Troon Way, which is part of a previous development which included a tarmacadam link path up to the site boundary which was adopted by the LHA under an agreement dated 14/03/2005. The location of the 3.0-metre-wide path, which runs past houses 15/17 Troon Way, is shown by an LCC Lighting Column within the site boundary hedge in the photo below.



Surfacing: The LHDG policy is that where a path is for everyday active travel, it should have an all-weather sealed surface. Given the standard of surface and adopted status for the David Wilson path section, clearly this link was intended to be such a route. So, the applicant's section should have a construction standard and future status to match this. The LHDG drwg. SD/1100/05 at: <https://www.leicestershirehighwaydesignguide.uk/sites/lcchighwaydesign/files/2024-11/sd-1100-05-footway-vehicular-and-agricultural-field-access.pdf> includes the cycleway specification to be constructed to be 3.0 metres wide. The distance of new path required is approximately 5.0 metres from the end of the existing adopted path to the edge of the bridleway to be surfaced by the LHA.

Ground Profile and Drainage: A sealed path surface resists water erosion, but it is still important to ensure future flooding is unlikely by including a camber or cross-fall on the surface and having the surface above the surrounding ground level, with drainage channels constructed if necessary to channel away any likely water.

It also appears that the ground levels between Troon Way and the applicant's site may require a slope to be constructed which should comply with 'Inclusive Mobility' standards <https://assets.publishing.service.gov.uk/media/61d32bb7d3bf7f1f72b5ffd2/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure.pdf> as endorsed by the LHDG e.g. <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/active-travel/active-travel-geometry>

Verges & Vegetation: Construction of the link path will also involve cutting a route through the boundary hedge (to be done outside the bird nesting season). To allow surfacing there is also a need for clearing ground vegetation within the applicant's site.

If further information is required please contact the PRow team on (0116) 305 0001 or footpaths@leics.gov.uk.

Date Received
18 May 2026

Case Officer
Ben Dutton

Reviewer
DH

Date issued
3 June 2026