

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

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

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

Application Type: Reserved Matters

Description of Application:

Reserved Matters

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 does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Advice to Local Planning Authority

Background

The Local Highway Authority have been 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 has reviewed Ian Stemp Landscape Associates drawing numbers 23.1825.001 through to 23.1825.006 which provide details of the landscaping proposals throughout the development.

Internal Layout

The proposals affect Public Footpaths T53 and U6.

Ian Stemp Landscape Associates drawing number 23.1825.006 includes the note in the bottom left corner:

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

Public Footpath U6, which goes through the application site, has not been detailed on either that drawing or Stemp Landscape Associates drawing number 23.1825.001. On both drawings there is a thin pink solid line along the western edge which corresponds with the legally-recorded route of Footpath U6, but the line is unlabelled; the drawings show several trees and a section of hedgerow being planted to obstruct the PRoW's legal alignment and there is no surfacing proposed for the footpath within this site boundary.

These drawings are currently considered to conflict with the overarching 15/00188/OUT permission and they conflict with the previous planning decisions for individual phases and elements of the development adjoining this site.

The National Planning Policy Framework (NPPF) para 104 requires that: *'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks ...'*

The County Council's policy is that no trees or shrubs should be planted within one metre of the edge of the Public Rights of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species. This is to prevent overgrowth impeding the route. The Council's other policies are set out in the Guidance Notes for Developers at <https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2022/3/18/Rights-of-way-guide.pdf>.

The 15/00188/OUT approved Design and Access Statement in section 4.4 states the development aims for *Protection of the existing public footpath routes and then:*

- p26 the Green Corridors panel shows PRoW U6 with a defined surface labelled as an Improved public footpath route;
- p29 the Playing Fields panel Northern and western edges defined by enhanced public footpath route and avenue tree planting;
- p50 it notes Within the site the lines of the existing public rights of way will be retained and enhanced with the new paths.

Also in the 15/00188/OUT Planning Statement & Section 106 Heads of Terms paragraph 5.5.3 commits that *'Within the site the lines of the existing public rights of way will be retained and enhanced with new paths. New shared cycle and pedestrian paths are proposed throughout the site, running along the proposed Green Links, connecting the development areas to the key public open spaces, proposed community facilities, main access into the site and town beyond, and the countryside'*.

The LHA is aware that Condition 8 of application 22/01091/REM requires details of a scheme of treatment for the PROWs to be submitted to and agreed in writing by the LPA, with this including details such as surfacing, drainage, signing and landscaping. Nevertheless, given this is a reserved matters application for the landscaping of the whole site, the LHA advise that the indicative route of the PROW scheme should be provided on the landscaping drawings in order to demonstrate that there is sufficient spacing between the landscaping and the route of the PROW.

Date Received
9 February 2024

Case Officer
Ben Dutton

Reviewer
DH

Date issued
1 March 2024