

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: 23/01204/REM

Highway Reference Number: 2023/1204/04/H/R3

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

Application Type: Reserved Matters

Description of Application: Re-consultation. Application for approval of Reserved Matters (relating to layout, scale, appearance and landscaping) of appeal decision APP/K2420/W/22/3301735 (outline planning application 21/01131/OUT) for the provision of 127 dwellings, a substation, public open space, an attenuation pond and associated works

GENERAL DETAILS:

Planning Case Officer: Sullivan Archer

Applicant:

County Councillor: Cllr Amanda Wright

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:

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 has received a request to provide final observations in relation to the above development following the submission of additional information listed below:

- General Arrangement Planning drawing number 23053/050 revision E
- Swept Path Analysis Planning drawing number 23053/051 revision G
- Planning Layout drawing number TGDP/SG-BH/PL1:500 Revision D
- PROW Management Plan drawing number 234/SGB-PROWMP-01

The LHA has reviewed the above information and provides detailed comments below. This response should be read in conjunction with the previous highway observations dated 30 January 2024 and email response dated 25 March 2024.

Internal Layout

The acceptability of an adopted road layout is subject to a Section 38 agreement in accordance with the Highways Act (1980. The internal layout submitted is currently not designed to an adoptable standard and therefore will not be considered for adoption and future maintenance by the LHA).

In order for the site to be suitable for adoption, the internal layout must be designed fully in accordance with the Leicestershire Highway Design Guide (LHDG (available at <https://resources.leicestershire.gov.uk/lhdg>)).

Should the applicants wish for the internal layout of the site to be considered for adoption by the LHA the following points would need to be addressed.

Speed Control

The location of the speed control features within the development still require amending as the current proposal fails to comply with our maximum spacing between features to maintain a 20mph design speed as detailed in section DG4 (point 3.48) contained within part 3 of the LHDG.

Turning Head Radii

The LHA note that roads 3 and 6 detail the radii at the turning head as 4m. This would need amending to 7.5m to comply with Figure DG4b of the LHDG.

In addition, road 1 details the radii at the turning head as 10m and road 5 details the radii at the turning head as 8m. These will also need to be amended to 7.5m.

Turning Head Arms

Turning heads labelled road 1J, road 4T, road 5T road 6J have been designed with excessive lengths of the turning head arms, which fail to comply with the specifications set out within point 3.36 onwards of the LHDG. These would need to be amended to reduce the length of the turning head arms in line with this guidance.

In addition, the turning head labelled road 6J requires extending to comply with our Design Guide requirements.

Shared Surface Private Drives

The proposed shared surface private drives serving the following plots are considered substandard when compared to the minimum dimensions set out within Figure DG17 of the LHDG and therefore need revision.

- 39 and 40
- 47 to 49

In addition, the LHA are concerned that the width of the proposed drives limit manoeuvring space and therefore, raise concerns over the usability of the proposed parking spaces. However, as the site is not suitable for adoption, so this is a site management issue rather than a highway safety concern.

Public Rights of Way (PROW)

Public Footpath U64 route is inside the western site boundary and the two branches of Public Bridleway U67 run north-south through the eastern part of the application site.

The LHA's previous observations dated 30 January 2024 raised several PROW issues. It is disappointing that these have not been addressed by the applicant.

The LHA previously requested that the applicants submit a PROW management plan including as a minimum; provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Whilst the LHA note that temporary diversion orders have been applied for to cover the construction period, this has not been submitted in support of the application.

Furthermore, the applicant has not provided any information in relation to the timescales for the closures, works to reinstate the PROW, relevant timescales or means of protecting and securing the safety of users of the PROW until these diversion orders come into force. This information will need to be provided prior to the commencement of the development.

The LHA also previously highlighted that the alignment of Public Footpath U64 is proposed to be obstructed where it exits Watling Close as legally fixed by the Definitive Map of Public Rights of Way. This would require a permanent PROW diversion order to be secured prior to the reopening of the PROW.

In addition, the LHA previously raised that the submitted Soft Landscaping Plan drawing number JBA 23/348-08 makes no provision for the PROW and no plans to enhance the PROW through surfacing treatment, waymarking, accessibility improvements. Furthermore, the network of mown paths and hoggin paths do not connect with the PROW which is contrary to the Illustrative Masterplan which was submitted under application reference 21/01131/OUT and the Design Compliance Statement dated November 2023 submitted with this application. No further information has been submitted by the applicants to address these comments.

As previously stated, the LHA would not accept the proposed hoggin surface, which is in line with Government guidance on surfaces which states:

"If the fines content is too high, then the material will be prone to softening and rutting when wet".

The LHA highlight that the proposed development could result in the use of the path network being significantly increased. Therefore, the LHA require an all-weather wearing course to be provided.

Whilst the LHA note that the Response to February PPA Meeting document dated 13th March 2024, paragraph ref 5.10/5.11 states that: "Connectivity to U64 and U67 has been shown and updated". This information has not been included in the submitted information and therefore the LHA is unable to provide comments in relation to the suitability of the proposed link.

The LHA also highlight that the PROW from the southeastern site corner to the street labelled "Greenway". The LHA note that this is the west branch of Bridleway U67. Therefore, the path shown on the plans is currently too narrow. In accordance with paragraph 26 of the Development And Public Rights Of Way: Guidance Notes For Designers, Developers And Planners, Bridleways should have a minimum surface width of 3 metres, rather than the 2 metres of a footpath. The LHA

would also require this route to integrate with the main eastern section of Bridleway U67 which proposed to become a cycle route, would also require a minimum surface width of 3m in accordance with Table DG10 of the LHDG.

Given the above, it is not clear that the current proposals either protect or enhance the public rights of way in accordance with paragraph 104 of the National Planning Policy Framework (NPPF) 2023. However, the LHA has received advice from the Local Planning Authority case officer who has confirmed that these issues can be addressed via imposing conditions on the decision notice. These have been requested below.

Conditions

- 1) No development shall commence until a scheme for the treatment of the Public Rights of Way (Footpath U64 & Bridleway U67) has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

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 (2023).

- 2) No development shall take place until a feasibility study for a link between Bridleway U67 and Troon Way has been submitted to and approved in writing by the Local Planning Authority. Such a study shall include, the extent of existing highways, identification of landowners concerned, surfacing, width, structures, signing and landscaping and a proposed scheme, in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. The proposed scheme shall be implemented in full prior to occupation of any development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

REASON: to restore condition 25 as proposed for 21/01131/OUT at the 07/06/2022 LPA Planning Committee but omitted in the PINS Appeal Decision; to protect and enhance Public Rights of Way and access transport and in accordance with Policy DM17 of the LPA Site Allocations and Development Management Policies DPD and the NPPF (2023).

- 3) Before the development is substantially completed and the PROW reopened in accordance with the document approved under condition 1, an application for a legal order to permanently divert the western branch of Bridleway U67 should be submitted to and approved in writing by the Local Planning Authority. The diverted route shall then be constructed in accordance with the confirmed legal order.

REASON: To ensure a legal diversion is progressed in a timely manner and protect the public right of way in accordance with Paragraph 104 of the National Planning Policy Framework 2023; to address PINS Decision: APP/K2420/W/22/3301735 para 27; to comply with Burbage

Neighbourhood Plan 2021 policies 5 and 11(e); and to pre-empt any obstruction of the legal alignment created by the present plans for tree planting, play area

- 4) The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023)

- 5) The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with General Arrangement Planning drawing number 23053/050 revision E. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

Informative

The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

Date Received
30 April 2024

Case Officer
Victoria Vernon

Reviewer
DH

Date issued
9 May 2024