

**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: 23/00296/CONDIT

Highway Reference Number: 2023/0296/04/H

Application Address: 177 Leicester Road Groby Leicester Leicestershire LE6 0DT

Application Type: Variation of Condition (s73)

Description of Application:

Variation of condition 5 and 6 of planning permission 19/01015/FUL. Amendment to the reword condition 5 and propose sliding gate

GENERAL DETAILS

Planning Case Officer: Satbir Jandu

Applicant: Mr Takha

County Councillor: Cllr Ozzy O'Shea

Parish: Groby

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 Variation of Condition 6

No objection

No objection to Variation of Condition 5

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) have been consulted on a planning application for the variation of conditions 5 and 6 of planning permission 19/01015/FUL.

The LHA have reviewed the following document which was submitted to Hinckley & Bosworth Borough Council as part of the application:

- Application Form
- Proposed Gate drawing number '17100 DSA DR A 100 Rev A'

Condition 5

For the avoidance of doubt, condition 5 states:

The dwelling hereby permitted shall not be occupied until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 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 Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

Highways Comments:

The Applicant has suggested condition 5 is varied to the following:

The access drive leading to the permitted dwelling must be surfaced with tarmacadam or a similar hard-bound material for a distance of at least 5 metres behind the highway boundary before the dwelling can be used. Furthermore, the surface must be maintained in perpetuity to prevent the deposition of deleterious material in the highway and ensure compliance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) as well as Paragraphs 108 and 110 of the National Planning Policy Framework (2019) for the safety of all road users.

The LHA have no objection to the variation of condition 5 as the Applicant will still be bound to surfacing the access drive with tarmacadem or similar hard bound material (not loose aggregate) for a distance of 5 metres behind the highway boundary before the dwelling can be used.

Condition 6

For the avoidance of doubt, condition 6 states:

Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe

passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

Highways Comments:

The Applicant has suggested condition 6 is varied to the following:

The sliding gate can be permitted and shall accord with the provided drawings: 17100-DSA-DR-A-100-A, The proposed gate should not obstruct the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway, in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

The LHA have reviewed the submitted drawing provided and conclude that whilst the LHA would not object to the proposal of gates in principle, the Applicant would be required to ensure that any gates to the vehicular access must be set back a minimum distance of 5 metres behind the highway boundary line and must be hung to open inwards only to enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021). Given the above, the LHA would object to condition 6 in the interest of highway safety and request the Applicant to provide a revised drawing which demonstrates gates set back 5 metres from the highway boundary line.

Date Received
4 April 2023

Case Officer
Irfan Patel

Reviewer
BD

Date issued
19 April 2023