

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: 24/01145/FUL

Highway Reference Number: 2024/1145/04/H/R1

Application Address: Land To The Rear Of Valley View Station Road Desford Leicester

Application Type: Full

Description of Application: Re-consultation. Erection of a bungalow

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mr G Warren

County Councillor: Cllr Peter Bedford

Parish: Desford

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:

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 116 of the National Planning Policy Framework (2024), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been re-consulted by the Local Planning Authority (LPA), Hinckley & Bosworth Borough Council (HBBC), on a planning application which seeks the:

'Erection of a bungalow.'

The proposals are on land to the rear of Valley View, Station Road, Desford, Leicestershire.

The LHA previously responded to the LPA on 16 January 2025 requesting further information which included:

- Information on whether the access was to be a shared agricultural / residential access;
- What vehicle types would utilise the access;
- Access details;
- Swept path analysis details;
- Width of access drive; and

- Further Public Rights of Way details.

In response to the LHAs observations the Applicant has provided the following information:

- Parking Provision, drawing number 0130-P02-006 Rev A

Note – The LHA have included hyperlinks to relevant sections of the Leicestershire Highway Design Guide (LHDG) within this report. These are identified in bold, underlined and in blue text.

Site Access

The Applicant has demonstrated on 'Parking Provision', drawing number 0130-P02-006 Rev A an amended effective access width of 6m for 11m behind the highway boundary as highlighted by the LHA within our previous observations to the LPA. There is also a wide passing bay demonstrated within the Applicants land should residential / agricultural vehicles meet at the access.

The LHA notes the Applicant has not provided information as to whether the access is a shared access, the types of vehicles expect to utilise the access or swept path analysis drawings. However, given the Applicant is proposing to amend the existing access in accordance with Table 15 of the Leicestershire Highway Design Guide (LHDG), the LHA do not deem this information necessary. Table 15 of the LHDG can be found [here](#).

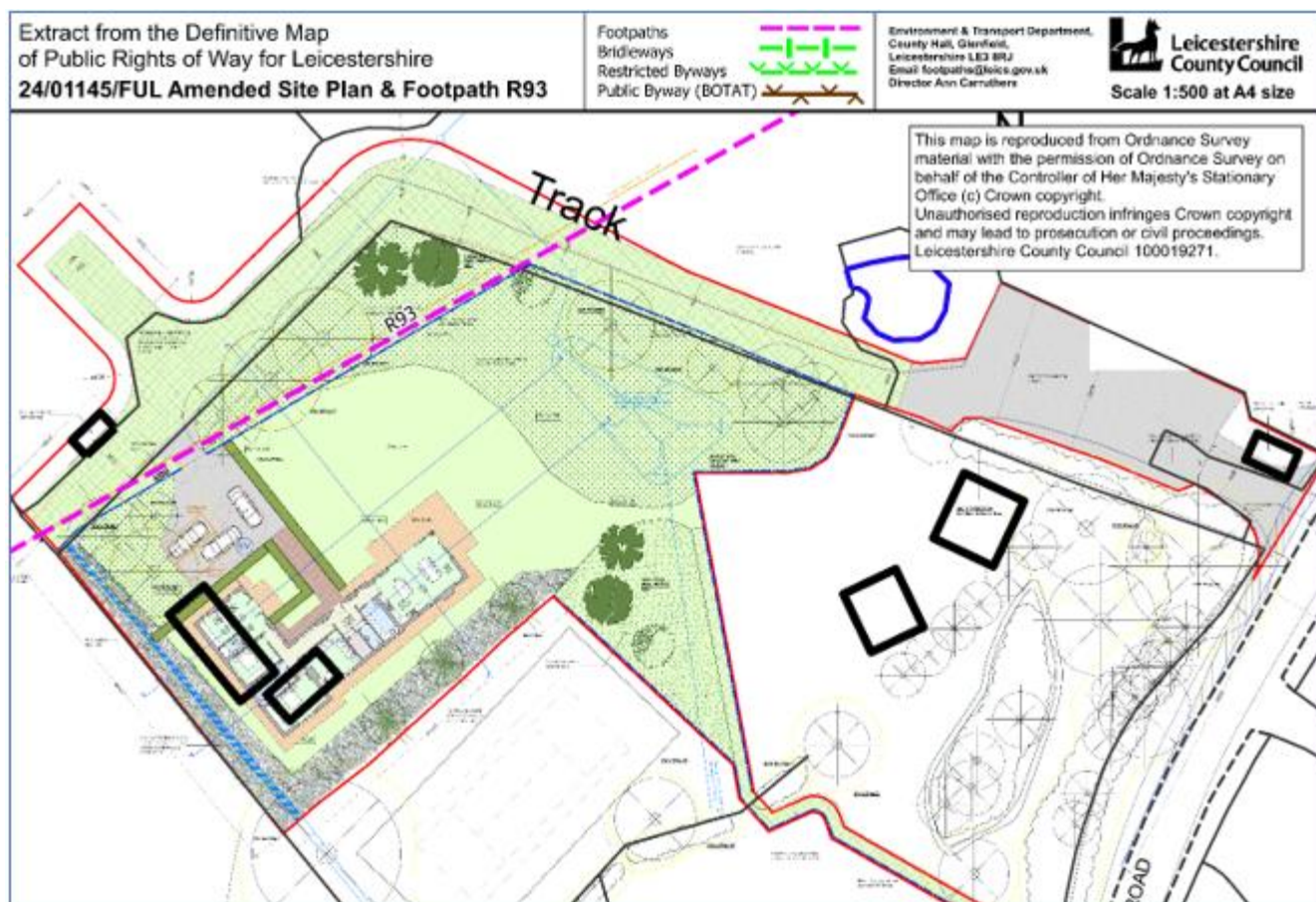
For the reasons given above, the LHA finds the access details acceptable for the scale of proposed development.

Internal Layout

The LHA raised an issue with the internal access drive width given the proposed dwelling would be approximately 150m away from the public highway. The minimum width for an access drive of this length should be at least 3.7m (between kerbs) and fire vehicles should not have to reverse more than 20m. Having reviewed 'Parking Provision', drawing number 0130-P02-006 Rev A, the LHA are now satisfied these matters have been addressed.

Public Rights of Way (PRoW) R93

The application site is crossed by Footpath R93. The footpath was initially omitted from the application documents. The landscape design now allows for the footpath route as shown on 'Parking Provision', drawing number 0130-P02-006 Rev A included below, overlaid with the legally defined alignment of Footpath R93. However, it is unclear whether that legal alignment is, or can be, made physically walkable.



National Planning Policy Framework (NPPF) Dec 2024 paragraph 105 which can be found [here](#) 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 ...'. The NPPF is underpinned by Planning Practice Guidance (PPG) including Rights of Way circular 1/09. The NPPF, PPG and Circular 1/09 are applied locally by the Leicestershire Highways Design Guide (LHDG), annex on Development and public rights of way (PRoW) at: <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/public-rights-way>

1. Protect the PRoW: The Site Plan and Arboricultural Impact Plan highlight existing trees T003, T004, and T005 are close to the footpath. The Arboricultural Impact Assessment paragraph 3.15 notes the trees require crown lifting; that is also essential to ensure clearance for pedestrians to walk below the crowns to use the footpath route. Outgrowth from trees affecting footpaths is the landholder's responsibility under the Highways Act 1980 section 154 so regular maintenance will also be needed to ensure this.
2. Enhance the PRoW: NPPF paragraph 105 means the Footpath should also be improved in some way (relative to the scale of the development as per NPPF paragraph 58). This might involve removing an unnecessary stile or replacing it with a kissing gate (as desired by the government's 'least restrictive' option policy reflecting the Equality Act 2010).

Whilst this is not a matter for refusal, this matter will be required to be addressed and can be dealt with via condition. However, the Applicant should contact the Public Rights of Way team prior to submitted any discharge of condition application. Alternatively, the Applicant could contact the Public Rights of Way team at the application stage in order to overcome any issues that may arise. The Public Rights of Way team can be contacted via footpaths@leics.gov.uk.

For the reasons set out above, the LHA would not seek to resist the proposals subject to the following conditions.

Conditions

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements and the parking (and turning facilities) have been implemented in accordance with 'Parking Provision', drawing number 0130-P02-006 Rev A. Thereafter the access, onsite parking and turning provision shall be kept available for such use in perpetuity.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner and 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, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

2. The development 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 11 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 (2024)

3. 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 vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 11 metres of the highway boundary, nor shall any be erected within a distance of 11 metres of the highway boundary unless hung to open away from the highway..

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 the National Planning Policy Framework (2024).

4. No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction, including proposed temporary route(s); and any new works such as surfacing, drainage, structures (i.e. gates etc.), signposting, and impacts of any landscaping and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework 2024.

Informative

Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

Date Received
13 February 2025

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
26 February 2025