

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: 24/00461/REM

Highway Reference Number: 2024/0461/04/H

Application Address: Land South Of Markfield Road Ratby Leicestershire

Application Type: Reserved Matters

Description of Application: Approval of Reserved Matters (appearance, landscaping, layout and scale) for outline application 22/00648/OUT for residential development of up to 75 dwellings alongside associated site infrastructure and open space and discharge of condition 2.

GENERAL DETAILS

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Mr Stuart Pearson

County Councillor: Cllr Ozzy O'Shea

Parish: Ratby

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 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 (LHA) have been consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a reserved matters application (appearance, landscaping, layout, scale) of outline application 22/00648/OUT for a residential development of up to 75 dwellings. The site is located at land south of Markfield Road, Ratby.

Internal Layout

Details of the internal layout of the site are provided on McBains drawing number LWRAT MCB ZZ ZZ DR A 0230 D5 Rev. P1. The Applicant has indicated that they wish for the main internal development road to be put forward for adoption.

The acceptability of an adopted road layout is subject to a Section 38 agreement in accordance with the Highways Act (1980). 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>).

After reviewing the drawing, the LHA advises that the internal access roads are currently not suitable for adoption and the amendments below are required at the application stage. The LHA advises that whilst the road layout is not considered unsafe and adoptability is not a material planning consideration, the following amendments to the layout should be undertaken at this stage, as plot layouts could be affected.

- The LHA note that a section of the main spine road is 6.75m wide as opposed to 5.50m wide. Should the Applicant wish to provide a wider carriageway, they may be liable to a commuted sum if the internal roads are considered suitable for adoption in the future.
- Speed control measures will need to be designed into the road layout. In this instance, the maximum distance between speed control measures, junctions or 90-degree bends is approx. either 60m or 40m depending on the design speed of the road. Further information can be found in the Part 3, Section DG4, Table DG8 of the LHDG.
- Further to the comment above, the minimum plateau length of vertical speed control measures should be 8m (9m if bus route), and the ramps should not conflict with the access drives of the dwellings. For further information, please see Part 3, Figure DG5e of the LHDG.
- The forward visibility splays detailed on Pell Frischmann drawing number RAT PEF ZZ XX SK C 0005 Rev P02 can then be reduced in line with the appropriate design speeds, and the areas proposed to be highway adjusted to suit.
- Clarification is sought regarding the ramp outside Plot 41, and whether this portion of the development road is now ramped up. LCC would expect for a ramp to be located away from the junction (if the junction isn't to be placed on a ramp), and for maximum plateau lengths of approx. 60m to be adhered to.
- Bend widening should be implemented at necessary points, in line with Part 3, Para 3.33 of the LHDG.
- 2m footways should be provided on both sides of the carriageway, particularly where there are plots fronting onto the highway.
- 2m footways are not required at the end of turning heads; a 1m service margin will suffice.
- Any isolated and/or interconnecting footpaths would not typically be considered for adoption. If they were to be offered for adoption, they may incur an additional commuted sum.
- LCC would not seek to adopt the trees and verges adjacent to the carriageway. These can remain in the layout; however it is requested the adoptable footway is adjacent to the carriageway and the verge/trees located behind and remain private.
- The tree species will need to be agreed, to ensure a clear stem height, as to not impede on highway users' visibility. This will be checked further and approved at the S38 stage.

- The trees, verges and landscaping would be considered to be outside of the adoption extent.
- The side road serving plots 8-18 should ideally have more frontages with direct access onto the adoptable carriageway (six) in order to be considered for adoption. Currently this side road does not serve a major highway purpose and could be considered to be made private. The LHA is happy to discuss this with the developer if required.

Additional Comments:

- Consideration of root barrier/deflection treatment will be required when proposing trees/shrubs adjacent to the footway. This will be checked further and approved at the S38 stage.
- At this stage it is not possible to comment on the vertical alignment, drainage, materials or proposed construction details.

Parking Provision & Shared Private Drives

The LHA has reviewed the parking provision in respect of all plots throughout the site as well as the shared private drives. The number and size of parking spaces in respect of each plot as well as the design of the shared private drives are considered to be generally in accordance with the LHDG, however the LHA would advise the following points need to be addressed:

- 1.0 x 1.0m pedestrian visibility splays should be shown where private drives or shared private drives meet the adopted highway.
- A number of plots where parking provision is bound on both sides require widening in accordance with Part 3, Para. 3.165 of the LHDG. This includes Plots 29, 40, 43, 49, 50, 53 and 54.
- The parking spaces for Plots 46-48 measure less than 5.50m in length and should therefore ideally be increased.
- The shared private drive serving Plots 44-52 needs widening to 4.80m in accordance with Part 3, Figure DG17 of the LHDG.

Public Rights of Way

Public Footpath R50 runs through the proposed development. An extract from the Definitive Map of Public Rights of Way, with overlay, is provided in Figure 1 for information.

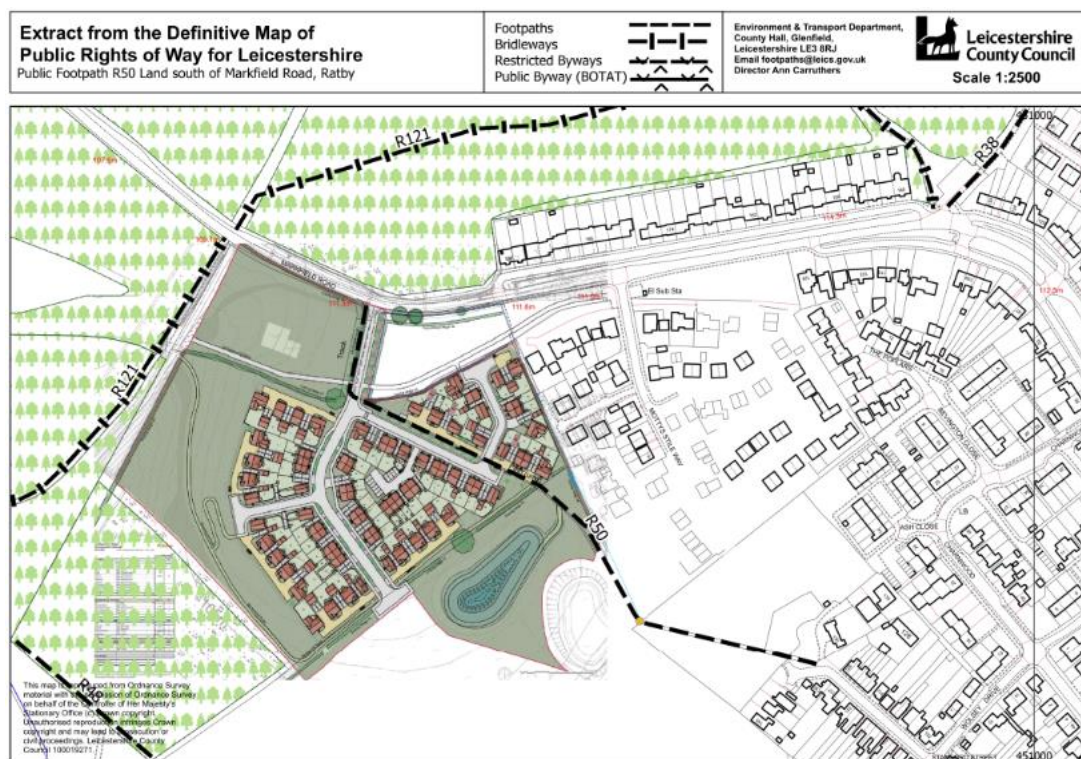


Figure 1: Extract From the Definitive Map of Public Rights of Way.

Whilst the LHA advise that it is satisfied that the use of and enjoyment of the route would not be significantly affected by the proposals, it is advised that the Public Footpath should comprise of 2 metres surfaced width with a 1 metre grass verge either side in accordance with the County Council's Guidance Notes for Developers. This should therefore be shown on a revised drawing.

Conditions

1. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with McBains drawing number LWRAT MCB ZZ ZZ DR A 0230 D5 Rev. P1. Thereafter the onsite parking provision shall be so maintained 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).

2. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives should be 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 the National Planning Policy Framework (December 2023).

3. The development hereby permitted shall not be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on both sides of the private driveways or shared private drive serving each plot. Nothing within these splays shall be higher than 0.6 metres above the level of the back of the footway/verge/highway and, once provided, these splays shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (December 2023).

4. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (December 2023).

5. 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 the National Planning Policy Framework (December 2023).

6. The Public Footpath should comprise of 2 metres surfaced width with a 1 metre grass verge either side in accordance with the County Council's Guidance Notes for Developers.

Reason: to provide an all-weather route in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework 2023.

7. 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.

Reason: to prevent overgrowth of the path in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework 2023.

Informatives

- 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. 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.

- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
- Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

Date Received
23 May 2024

Case Officer
Ben Dutton

Reviewer
DH

Date issued
13 June 2024