
From: highways@planning.leics.gov.uk
Sent: 16 January 2025 08:04
To: Sullivan Archer; Planning Folder New
Cc: peter.bedford@leics.gov.uk
Subject: Response To Application Number 24/01145/FUL at Land To The Rear Of Valley View Station Road Desford Leicester
Attachments: Response_2024-6805-04-HCON.pdf
Categories: Sonia

Please find attached my representation in response to the above planning submission.

On behalf of
Leicestershire County Council
County Hall
Glenfield
Leicestershire
LE3 8RJ

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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: 20224/1145/04/H

Application Address: Land To the Rear of Valley View Station Road Desford Leicester

Application Type: Full

Description of Application: 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 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 (LHA) has been 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 Design and Access Statement submitted as part of this application states there has been one previous application at the site submitted under 19/01411/FUL. However, the LHA have reviewed the submitted redline plans for this application and 19/01411/FUL and find them to be within different locations within the blue line demonstrated on the submitted site ‘Location Plan’.

The LHA have reviewed the following documents as part of this application:

- Application Form;
- Site Location Plan and Block Plan, drawing number 0130-P02-002;
- Design and Access Statement, version 1.1;

- Parking Provision, drawing number 0130-P02-006;
- Proposed Floor Plans & Elevations, drawing number 0130-P02-004 Rev Oct 2024; and
- Proposed Site Plan, drawing number 0130-P02-002.

Site Access

The application site is situated on the northeastern extent of the settlement of Desford. The Applicant is proposing to utilise an existing access onto Station Road. Station Road is an adopted classified C road subject to a 30mph speed limit.

Having reviewed the submitted documents it is unclear if the existing access would be solely used by the proposed dwelling, or whether it is a shared access. As such, this matter should be clarified by the Applicant. If it is a shared access, the Applicant should provide details of the largest types of vehicles expected to utilise the access, this should include trailers.

Whilst the LHA do not have any specific guidance for this type of access, the LHA considers Table 15 of the Leicestershire Highway Design Guide (LHDG) appropriate, this can be found at <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/developments-served-private-drives-and-areas#generalgeometry>. This states a minimum access width of 6m for at least 10m behind the public highway should be provided, with 6m radii both sides of the access.

The Applicant has not provided any detailed vehicular visibility splay drawings. However, the LHA have undertaken its own assessment and are satisfied that 2.4m x 43m is achievable in both directions entirely within the highway. This accords with Table 6 of the LHDG which can be found at <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/visibility-splays>.

Again, if this is a shared access the LHA would request the Applicant provides detailed, scaled vehicular swept path analysis. This should demonstrate the largest vehicle expected to access and egress the site in all directions. It should also demonstrate vehicles can pass each other within the access in a safe manner. A minimum modelling speed of 15kph should be used, this should be indicated on the plan. Further information can be found at <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/swept-path-analysis>.

As previously stated, if there is to be an intensification of the access the Applicant should ensure that any gates are re-located a minimum of 11m behind the highway boundary. This could be secured via condition.

If there is to be an intensification of use of the access, the Applicant should ensure that hard surfacing (not loose aggregate) is provided for the first 10m behind the highway boundary. This could be secured via condition.

Highway Safety

There has been a total of one Personal Injury Collision (PIC) recorded within the last five years within 500m to the north of the existing access and approximately 300m to the south, where Station Road meets Leicester Lane. This was classed as slight in severity. The LHA have reviewed the PIC data and after investigation the LHA are satisfied there are no patterns or trends. However, the acceptability of the proposals would be contingent on the delivery of a safe and suitable access as required by the National Planning Policy Framework (2024) to ensure that new highway safety issues would not be introduced to the vicinity.

Internal Layout

The Applicant is proposing a three-bedroom dwelling at the site which requires two off-street parking spaces. Having reviewed the drawing titled 'Parking Provision', drawing number 0130-P02-006 the LHA are satisfied the quantum of parking spaces accords with Table 28 of the LHDG which can be found at <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/parking-and-making-provision-service-vehicles/street-residential-car>.

As per the above paragraph, whilst the drawing titled 'Parking Provision', drawing number 0130-P02-006 demonstrates three vehicles, the LHDG requirement is for two spaces. Having reviewed the drawing titled 'Parking Provision', drawing number 0130-P02-006 the LHA are satisfied that that the car parking space dimensions and on-site turning accord with Figure 44: Size and layout of parking spaces, which can be found at <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/parking-and-making-provision-service-vehicles/design-principles-street>.

The LHA notes the dwelling would be approximately 150m away from the public highway. As such, the Applicant needs to take into consideration where a development is situated more than 45m from the highway, emergency vehicles must be catered for by constructing the drive and any turning areas so they can accommodate commercial or service vehicles. The minimum width for access should be at least 3.7m (between kerbs) and fire vehicles should not have to reverse more than 20m. Development must be in line with British Standard BS5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006. This should be demonstrated via a revised, scaled drawing.

Public Rights of Way (PRoW) R93

The Applicant needs to be aware that the legal definitive line of PRoW R93 runs through the site, this includes the proposed garden and parking area. Figure 1 below is the 24/01145/FUL Layout Plan overlaid with the legally defined alignment of PRoW R93. The footpath route is through the development site but there is no mention of, nor provision for, the footpath in any application documents.

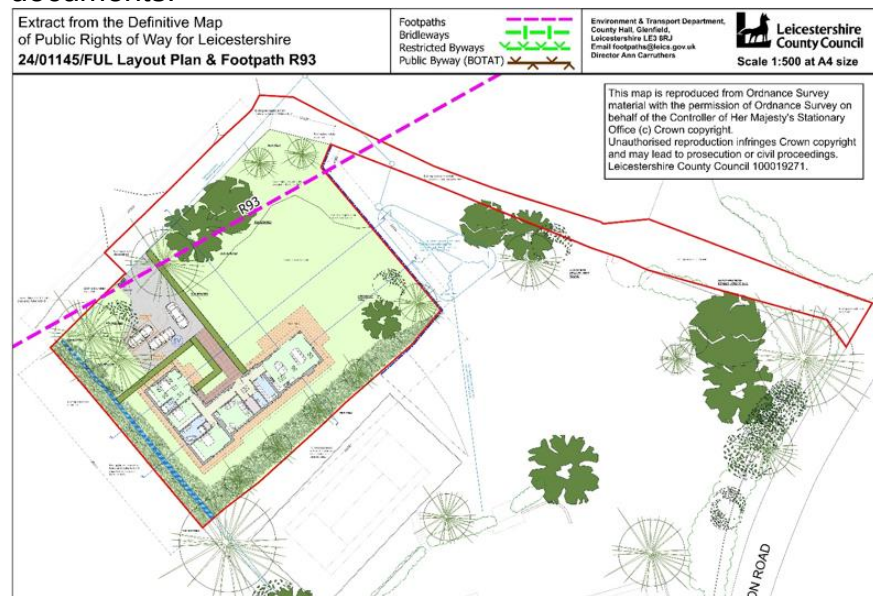


Figure 1

The alignment of public footpaths is legally 'fixed' by the Definitive Map of public rights of way. The Wildlife and Countryside Act 1981 section 56(1)(e) means, where there is a difference between a

physical route in use and the Definitive Map, the route on the map legally takes precedence. The Definitive Map is based on surveys in the 1950s by parish councils using Ordnance Survey six inch to one-mile maps, in this case dating from 1928.

Figure 2 below is from the 1957 Finalised Definitive Map based on the OS 1928 map (when Station Road was known as Wharf Lane).

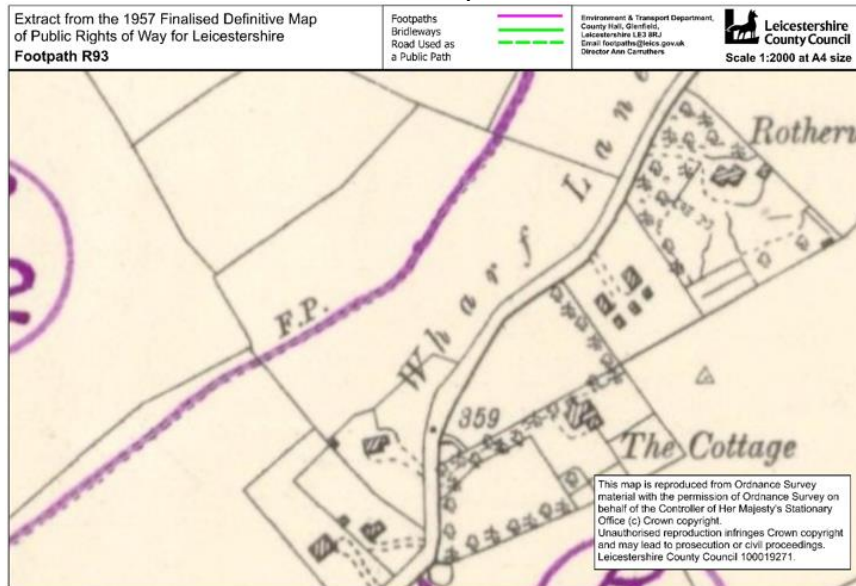


Figure 2

Later OS maps show that, through this parcel of land, a physical footpath route takes a straighter route approximately along the track labelled 'existing access' on the plans with this application. However physically diverting a footpath without the proper authorisation means the Definitive Map remains unchanged. So, this development will also require diversion of the public footpath by a separate legal order made by the Local Planning Authority, a separate application for which needs to be submitted and also legally confirmed before the development is substantially complete.

Also, it should be noted that, when a property transaction is in progress, the CON29 Local Authority Search includes information about adopted highways, and about public rights of way where the search response will show the legal alignment as on the Definitive Map. If the legal alignment is through the middle of a property, it can become an issue that complicates property sales.

The National Planning Policy Framework (NPPF) December 2024 paragraph 105 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) that refers to the Defra Rights of Way circular (1/09) which, in section 7, confirms that a 'public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered.'

The NPPF, PPG and Circular 1/09 are applied locally by the Leicestershire Highway Design Guide (LHDG) annex on Development and Public Rights of Way (PRoWs) at <https://www.leicestershirehighwaydesignguide.uk/sites/lcchighwaydesign/files/2024-12/development-and-public-rights-of-way-revised-december-2024.pdf>

Whilst the above would not be a reason for refusal and could be dealt with via a condition, the LHA would advise the Applicant to work towards a resolution as soon as possible. For further information the Applicant should contact the PRoW team via footpaths@leics.gov.uk as a matter of urgency.

Other Considerations

No bin collection point has been shown on the submitted plans. Due consideration should be given to waste collection provision; refuse vehicles are unlikely to access the site given that it is located more than 25m from the highway boundary and via a private road. Any bin collection point should be within the site and not within the public highway, nor should it be located within visibility splays. However, this is not a material consideration for the LHA.

Date Received
23 December 2024

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
16 January 2025