

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: 25/00472/REM

Highway Reference Number: 2025/0472/04/H/R4

Application Address: Forest House Leicester Lane Desford Leicester Leicestershire LE9 9JJ

Application Type: Reserved Matters

Description of Application: Re-consultation. Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 22/01160/OUT for a proposed commercial unit (Use class E(g) including the discharge of conditions 5 (construction traffic management plan), 7 (ecological strategy), 12 (PRoW treatment), 13 (surface water drainage) and 14 (WSI) of outline planning permission 22/01160/OUT.

GENERAL DETAILS

Planning Case Officer: Emma Baumber

Applicant: Julie Clark

County Councillor: Markfield, Desford & Thornton ED - Charles Whitford CC

Parish: Desford

Road Classification: Class B

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) have been re-consulted on application 25/00472/REM for the approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 22/01160/OUT for a proposed commercial unit (Use class E(g)).

The LHA had previously advised approval subject to conditions on 15 August 2025. However, the Applicant also submitted information in order to discharge the following conditions attached to the outline application submitted under 22/01160/OUT:

- Condition 5 – Construction Traffic Management Plan;
- Condition 7 - Ecology mitigation;
- Condition 10 – Site Drainage;

- Condition 12 – PROW Objection to the discharge of this condition;
- Condition 13 – Surface and Foul Water Drainage; and
- Condition 14 – (WSI) Archaeology.

Within observations provided to the LPA on 29 August 2025 the LHA requested additional information in relation to condition 12 (Public Right of Way (PRoW)) attached to planning application 22/01160/OUT.

In response to the LHAs previous observations the Applicant has provided the following documents:

- Proposed Elevations, drawing number 8658_0302_1005 PL2;
- Proposed Landscaping, drawing number 8658_0302_1011 PL1; and
- Public Right of Way Details, 8658_0302_1010 PL2

After reviewing the additional information in relation to condition 12 (PRoW) attached to 22/01160/OUT the LHA finds this addresses the issues previously raised and what is proposed is satisfactory. The new pedestrian gates are welcome. Any gates need to comply with the following requirements:

- The gates installed are to provide a minimum 1.0 metre gap between the hinge post and the 'clapping' or closure post.
- The gates are fitted so as to swing easily, clear of the ground and any latches fitted will be easily accessible to pedestrians.
- The gates are maintained to allow free passage of pedestrians at all times.
- The gates remain the property and responsibility of the owner/occupier and all future maintenance responsibilities to keep the gate fit for its purpose will rest with them.

Should the proposed works require the legally 'fixed' alignment of the PRoW to be temporarily closed or diverted for any period a Temporary Traffic Regulation Order is required. Details are on the LCC website at: <https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/roadworks-closures-and-diversions>. Any application should be made at least 12 weeks before the temporary diversion is required.

For the reasons set out above, the LHA would not object to the discharge of condition 12 (PRoW) attached to 22/01160/OUT.

The LHA notes the Applicant has provided the drawing titled 'Proposed Elevations', drawing number 8658_0302_1005 PL2. However, the LHA are satisfied this drawing does not affect any matters relating to the highway.

The previously requested condition is replicated below.

Condition

1. The development hereby permitted shall not be brought into use until such time as the parking, turning and cycle parking facilities have been implemented in accordance with Proposed Site Plan', drawing number 8658_0302_1001 Rev PL2. Thereafter the onsite parking, turning and cycle provision shall be kept available for such use 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. To enable vehicles to enter and leave the site in a forward direction, and that secure cycle parking is provided in the interests of highway safety and to promote travel by sustainable modes in accordance with the National Planning Policy Framework (2024).

Informative

- 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
8 October 2025

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
28 October 2025