

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: 24/00868/ROW

Highway Reference Number: 2024/0868/04/H

Application Address: Land To The South Of 50 Brascote Lane Newbold Verdon Leicester
Leicestershire LE9 9LF

Application Type: Other

Description of Application: Proposing to build to new properties on the parcel of land in which the PROW currently runs the middle of, we are proposing to divert the footway to allow the parcel to be developed

GENERAL DETAILS

Planning Case Officer: David Spring

Applicant: Chris McReynolds

County Councillor: Ross Hills

Parish: Newbold Verdon

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).

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:

'Building of new properties on the parcel of land in which the PROW currently runs the middle of, and the diversion of the footway to allow the parcel to be developed.'

The proposals are on land to the south of 50 Brascote Lane, Newbold Verdon, Leicestershire, LE9 9LF.

Proposals

The Local Highway Authority (LHA) notes that it was previously consulted via the Local Planning Authority (LPA) regarding the original application submitted under 19/00600/FUL and subsequently direct by the Applicant about the details of what was required for a PRow diversion.

At the LPA's request the LHA supplied the legal diversion plan that has been submitted as part of this application. The LHA also advised to the Applicant and the LPA that, to outline the works required, the legal order should contain the following sections below:

4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule.

(a) Alternative Footpath S27 shall have a width of 2 metres with a 0.25 metre grass verge either side. No landscape planting should be included within the verge.

(b) Surfacing, to a specification agreed by Leicestershire County Council, to be constructed along the alternative route of Public Footpath S27 and for a further 2 metres along the existing footpath surface.

(c) The existing metal stile near point 'A' on plan no. 2659 is to be removed and disposed of.

5. The developer is hereby required to pay the cost of carrying out the said works.

6. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

If these requirements are enshrined in the order and satisfactorily achieved on the ground, the diversion will comply with the requirements of the Leicestershire Highways Design Guide PRow Guidance as at: <https://tinyurl.com/devprowguide>

Given the above, the LHA would not resist the application.

Informative

The following notes should be drawn to the applicant's attention:

- Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
- The Public Right(s) 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.
- The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- 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.
- 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
16 September 2024

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
2 October 2024