

**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.

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## **APPLICATION DETAILS**

Planning Application Number: 24/00828/REM

Highway Reference Number: 2024/0828/04/H/R3

Application Address: Land South Of 295 Main Street, Stanton Under Bardon, Leicestershire

Application Type: Reserved Matters

Description of Application: Re-consultation. Approval of reserved matters (layout, scale, appearance, landscaping and access other than vehicular access) of outline planning permission (ref: 22/00527/OUT) for residential development of 50 dwellings.

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## **GENERAL DETAILS**

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: C/O Agent

County Councillor: Cllr Peter Bedford

Parish: Stanton-under-Bardon

Road Classification: Adopted Unclassified

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## **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 on an application for Approval of the Reserved Matters (layout, scale, appearance, landscaping and access other than vehicular access) of outline planning permission (22/00527/OUT) for a residential development of 50 dwellings located on Land South of 295 Main Street in Stanton under Bardon, Leicestershire.

The LHA has reviewed the Applicant's submitted drawing titled 'Visibility Plan,' drawing number 2405-BMC-24-XX-DR-C-811 P03 and drawing titled 'Planning Layout,' drawing number SUB/PL/001 Revision L. The Applicant has made some of the requested amendments, though the following issues remain to be addressed:

- Forward visibility splays on bends and junctions within the site
- Alignment of Footpath R19 in accordance with the Definitive Map

## **Site Access**

As previously advised by the LHA, access to the development was approved at the outline planning stage and the LHA, therefore, has no further comments on the access arrangements.

## **Internal Layout**

In its previous response to this application the LHA notes that the Applicant addressed forward visibility at the bends adjacent to plots 5, 27 and 40 on the submitted drawing titled 'Visibility Plan,' drawing number 24005-BMC-25-XX-DR-C-811 P03. However, the accompanying visibility splays demonstrated 17 metres of forward visibility splays. As advised previously, the LHA requests that the Applicant demonstrate 25 metres of forward visibility splay on all Residential Access Roads. These splays should be contained entirely within the public highway whilst ensuring that any dwelling remains over 0.5 metres from the public highway.

The LHA previously advised that the internal layout would be mostly suitable for adoption subject to a full technical audit being carried out. However, the Applicant is seeking the construction of residential access roads as part of this development, which have a design speed of 20 mph in accordance with the Leicestershire Highway Design Guide. The LHA provided the LHA with revised drawing on Friday the 28th of March, showing forward visibility at the internal bend outside of plot 40, overlaid on the previously submitted drawing titled 'Planning Layout,' drawing number SUB/PL/001 Revision L.

However, this drawing shows these visibility splays crossing the garden of plot 40 in addition to being partially obstructed by the dwelling. Additionally, on the drawing titled 'Visibility Plan,' drawing number 24005-BMC-25-XX-DR-C-811 P03 detailing forward visibility on the middle bend in the centre of the site, the splay still measures 17 metres rather than the requested 25 metres. The LHA advises that in order for the internal layout to be acceptable for adoption, 25 metres of forward visibility will be required at all corners and junctions within the development site. The LHA therefore requires more information from the LHA in order to demonstrate adequate visibility splays. Should this not be demonstrated by the Applicant, the development's internal road layout will not be suitable for adoption by the LHA and will therefore remain private.

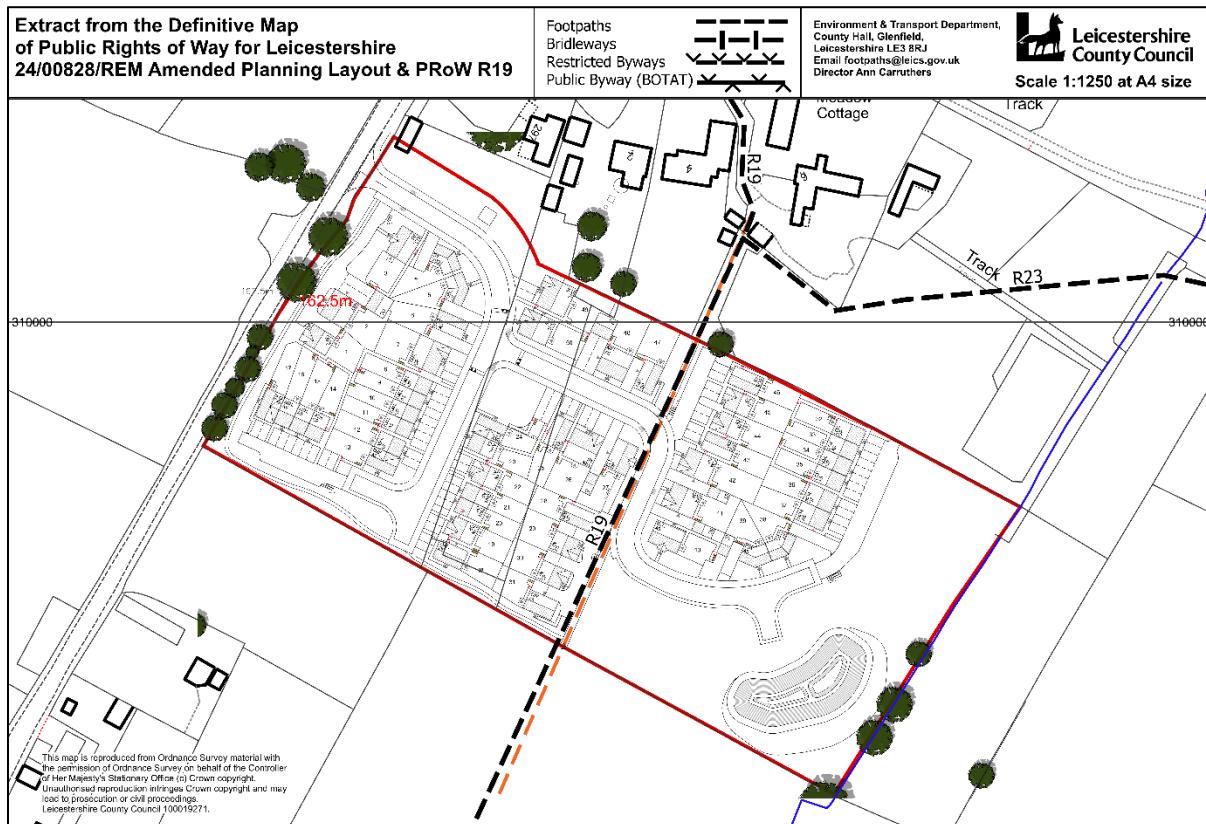
The LHA welcomes the provision of a Bin Collection Point for plots 28-31 which was previously requested by the LHA.

## **Public Footpath R19**

The LHA are aware that Public Footpath R19 runs through the proposed development.

As stated in the LHA's previous response, the Applicant is advised that site plans need to reflect the alignment of the Public Footpath as legally 'fixed' by the Definitive Map of public rights of way. Local Authority searches for property sales are based on the Definitive Map and if the legal alignment of a PRoW is not the same as a physical path, this can derail or block subsequent house sales. This will need to be noted and considered by the Applicant.

Below is the Amended Planning Layout (Rev L) overlaid with the Definitive Map showing that, near the southern site boundary, the physical footpath on the site plans is at least 2 metres east of the legal alignment on the Definitive Map, placing the public right of way on the front drives of plots 28-31. The Applicant should liaise with Leicestershire County Council (LCC) to ensure their route is legally correct (and to avoid the costs, complications and delays due to needing a legal order to divert the footpath to correct any anomalies).



Where construction work requires a public right of way to be temporarily diverted, at least 12 weeks beforehand, an application to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) must be made for a Temporary Traffic Regulation Order. An order may last for up to six months. If further closure period(s) are needed, then that requires additional applications. The Location Plan for this application shows the site boundary as including a 'tail' south of the development site which is the construction site access route. That overlaps with Footpath R19 for approximately a further 70 metres. That section must be included in any temporary diversion plans. Also, after use as a site access the Footpath surface will need restoring to a suitable state even if the land is subsequently a pasture field. LHA guidance on the process and application form for Temporary Traffic Regulation Orders (TTROs) can be found at: <https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/roadworks-closures-and-diversions>.

The submitted Section 104 Layout Location Plan for this application shows the Proposed Section 104 Adoptable FW Sewer along the route of Footpath R19 for approximately a further 70 metres south of the site boundary, so any Temporary Closure needs to include this field as well as the application site. Once installation of the sewer is completed the footpath surface will need restoring to the agricultural standard of a 'fine tilth' with the soil evenly levelled even if the land is subsequently to be a pasture field.

The LHA welcomes the demonstration of a kissing gate at both site boundaries of the development on footpath R19 on Materials Layout. However, the type of kissing gate that the Applicant intends

to provide at both the northern and southern site boundaries has not been demonstrated on the Materials Layout and a photo has not been provided unlike the other types of boundary treatment, which have been illustrated. Nonetheless, the LHA is satisfied that this can be dealt with at the detailed design phase.

## **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 Allison homes drawing titled 'Planning Layout' drawing no. SUB/PL/001 Revision L. 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 2024).

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 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 2024).

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 2024).

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 2024).

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 reenacting 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 2024).

6. 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); ensuring plans reflect the correct legally-recorded PRoW alignment; and any new construction works. Physical construction should address width, surfacing, drainage, structures, 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: to protect and enhance Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework 2024.

### **Informatics**

- 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.
- To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- 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.
- 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](mailto: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.

**Date Received**  
**18 March 2025**

**Case Officer**  
**Harry Smith**

**Reviewer**  
**BD**

**Date issued**  
**1 April 2025**