

**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: 24/00496/REM

Highway Reference Number: 2024/0496/04/H/R1

Application Address: Land North of Hill Top Farm Hill Top Earl Shilton Leicestershire

Application Type: Reserved Matters

Description of Application: Re-consultation. Approval of reserved matters (appearance, landscaping, layout, scale) for 140 dwellings and associated infrastructure pursuant to 21/00135/OUT (Residential development for up to 140 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) (Outline- access only)

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**GENERAL DETAILS**

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Countryside Properties

County Councillor: Richard Allen

Parish: Earl Shilton

Road Classification: Class C

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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 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 re-consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a reserved matters application (appearance, landscaping, layout, scale) of outline application 21/00135/OUT for a residential development of up to 140 dwellings. The site is located at land north of Hill Top Farm, Hill Top, Earl Shilton.

The LHA previously advised it had no objection to the proposed site layout subject to conditions, however should the Applicant wish for the internal development roads to be considered for adoption, amendments would be needed to the design at this stage. In addition, clarification on the internal dimensions of the garage for the Clover Plover plots as these would need to measure 6x3m to count as a parking space.

Since the LPA originally consulted the LHA on the revised proposals, the LHA has been liaising with the Applicant, which has resulted in the following drawings being submitted to the LPA:

- BRB drawing number C253-BRP-00-00-DR-A-0201 Rev P09 (Proposed Site – Development Only);
- BRP drawing number C253-BRP-00-00-DR-A-0204 Rev P08 (Proposed Site – Parking Bay Types);
- BRP drawing number C253-BRP-00-00-DR-A-0209 Rev P07 (Proposed Site – Highways Plan);
- BRP drawing number C253-BRP-00-00-DR-A-0203 Rev P08 (Proposed Site – Bin and Cycle Store Locations);
- BRP drawing number C253-BRP-00-ZZ-DR-A-0250-P02 (Single Garage – Plans and Elevations);
- Mucklow & Harris drawing number 24000-200 Rev C (Refuse Tracking [Sheet 1 of 2]);
- Mucklow & Harris drawing number 24000-201 Rev C (Refuse Tracking [Sheet 2 of 2]);
- Mucklow & Harris drawing number 24000-202 Rev A (Visibility Splays [Sheet 1 of 2]); and
- Mucklow & Harris drawing number 24000-203 Rev A (Visibility Splays [Sheet 2 of 2]).

### **Internal Layout**

Details of the internal layout of the site are provided on BRB drawing number C253-BRP-00-00-DR-A-0201 Rev P09. The Applicant has indicated on BRP drawing number C253-BRP-00-00-DR-A-0209 Rev P07 the sections of road that they wish to put forward for adoption.

The acceptability of an adopted road layout is subject to a Section 38 (S38) agreement in accordance with the Highways Act (1980). 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>).

The LHA advises that it considers the layout to be designed to an adoptable standard and any further amendments to the road layout can be agreed at the S38 stage. It should be noted however, that the design of the adoptable turning heads is more than that required to be considered necessary for adoption. The Applicant has however advised that they would be willing to accept a commuted sum for adoptable turning heads designed more than the LHDG guidance.

### **Parking provision and Shared Private Drives**

The LHA has reviewed BRP drawing number C253-BRP-00-00-DR-A-0204 Rev P08, which details the parking bay types. The LHA consider the level of car parking provision provided for each plot to be in accordance with the LHDG. Garage dimensions have now also been provided and these are in accordance with Part 3, Paragraph 3.200 of the LHDG and can therefore count towards parking provision. The LHA welcomes the provision of electric car charging points for all plots and that provision for cycle parking would be made for each plot.

The LHA consider the design of the shared private drives to be acceptable. The LHA will require 1m x 1m pedestrian visibility splays where private drives / shared private drives meet the adoptable footways.

### **Public Rights of Way**

As advised previously, Public Footpaths T93, T94 and U28 run adjacent to and through the proposed development. The LHA advises it has no further comments in respect of these.

As advised previously, the LHA is aware a condition was included within the decision notice of application 21/00135/OUT which includes details in respect of the treatment of the public rights of way, including management during construction, surfacing, widths, structures, landscaping and signing.

### **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 BRP drawing numbers C253-BRP-00-00-DR-A-0204 Rev P08 and C253-BRP-00-00-DR-A-0201 Rev P09. The parking and turning areas as well as 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. 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. No part of the development hereby permitted shall be occupied until such time as the internal access arrangements and internal layout shown on Mucklow & Harris drawing numbers 24000-202 Rev A and 24000-203 Rev A have been implemented in full. Visibility splays shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general 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. 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).

## **Informative**

- 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.
- If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
- If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) in the first instance.
- 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](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 and the County Council may be obliged to require its immediate removal.

**Date Received**  
**4 November 2024**

**Case Officer**  
**Ben Dutton**

**Reviewer**  
**DH**

**Date issued**  
**11 December 2024**