

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: 23/00785/FUL

Highway Reference Number: 2023/0785/04/H

Application Address: Park House Farm Leicester Lane Desford Leicester Leicestershire LE9 9JJ

Application Type: Full

Description of Application:

Construction of manure and slurry stores with associated landscaping and other works

GENERAL DETAILS

Planning Case Officer: David Spring

Applicant: Mr Paul Hilyer

County Councillor: Cllr Peter Bedford

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 111 of the National Planning Policy Framework (2023), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

The Local Highway Authority understands the applicant is seeking full planning permission for the construction of manure and slurry stores with associated landscaping and other works at Park House Farm, Leicester Lane, Desford.

After a review of the documents submitted in support of the planning application there would appear to be no material impact on the public highway, however Public Footpath S2 runs through the proposed development as shown on an extract from the Definitive Map of Public Rights of Way reproduced in Figure 1 below.

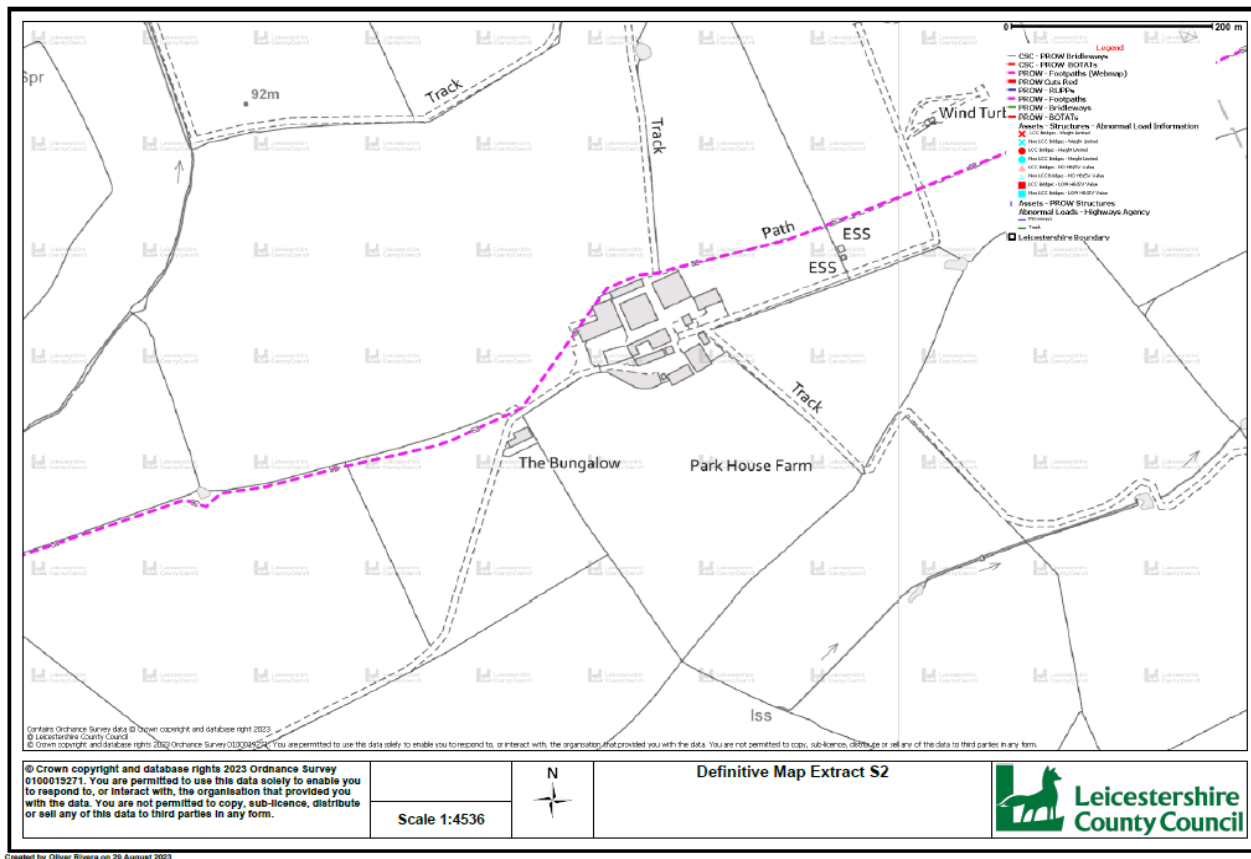


Figure 1: Definitive Map extract Public Footpath - S2

Public Right of Way

The applicant has acknowledged the presence of the public footpath in the Planning Statement and while the route will remain unaltered as part of the application, it will include crossing a section of the concrete pad to the front of the Manure Store building. To mitigate this the applicant has indicated that they will provide “Caution” signs will be put on the stiles/access points crossing the farmyard.

Notwithstanding the above the LHA would require the applicant to submit and get approval for a scheme for the treatment of the public footpath. Further details of the scheme requirements are included in the condition and informative's below.

Condition

1. No development shall take place until a scheme for the treatment of the Public Right of Way S2 has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their fencing, surfacing, width, structures, signing, landscaping, and management during construction in accordance with the principles set out in the Leicestershire County Council's 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 100 of the National Planning Policy Framework (2023).

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 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
22 August 2023

Case Officer
David Hunt

Reviewer
RD

Date issued
11 September 2023