

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: 24/00709/REM

Highway Reference Number: 2024/0709/04/H

Application Address: Ashfield Farm Kirkby Road Desford Leicester Leicestershire LE9 9JX

Application Type: Reserved Matters

Description of Application: Application for approval (relating to Appearance, Landscaping, Layout and Scale for the erection of 120 dwellings and associated works.) attached to planning permission 22/01227/OUT (APP/K2420/W/23/3320601).

GENERAL DETAILS

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Mr Richard Henderson

County Councillor: Cllr Peter Bedford

Parish: Peckleton

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), 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 consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on an application for reserved matters (site layout, scale, appearance, and landscaping) of outline planning application 22/01227/OUT (appeal decision APP/K2420/W/23/3320601) for 120 dwellings with associated works at Ashfield Farm, Kirkby Road, Desford.

The LHA has reviewed the following drawing submitted in support of the proposals:

- Davidsons drawing number XXXX_100 Rev SK002 (Planning Layout).

Internal Layout

The acceptability of an adopted road layout is subject to a Section 38 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>).

After reviewing Davidsons drawing number XXXX_100 Rev SK002, the LHA advises that the internal access roads are currently not suitable for adoption. The LHA advises that whilst the road layout is not considered unsafe and adoptability is not a material planning consideration, the following amendments to the layout are required at the application stage prior to determination as plot layouts could be affected.

- The key on the plan does not indicate which roads are being proposed to be adopted by Leicestershire County Council (LCC). Therefore, assumptions have been made about what is being proposed for adoption. The Applicant should ensure a key is added to the next revision which should include the proposed highway and site boundary.
- Road widths should be shown by the Applicant and should be checked to be in accordance with Part 3, Table DG1 of the LHDG.
- Footway provision of 2m should be adjacent to the carriageway and present on both sides where properties are served. A minimum 1m hard surfaced service margin may be acceptable where no frontages served, for example at the end of turning heads. Footways must be continuous and cannot be constructed as grass verge.
- Where footways are set back, a commuted sum will be charged by LCC for all additional footway, verge and carriageway areas not required for safe function of the highway (e.g. parking bays).
- Private drives that link two roads offered for adoption will not be accepted and will result in a site not being considered suitable for inclusion in a S38 agreement. The road serving Plots 85, 98 and 99 should therefore be reviewed if necessary.
- The proposed roads will require adequate speed control features so that they conform to Part 3, Table DG8 of the LHDG. Junction tables should be designed to Part 3, Figure DG6d of the LHDG as far as practicable and plateau length are to be in accordance with Part 3, Figure DG6e. Currently, speed control is not in accordance with LHDG guidance. Speed control should be fully considered at the planning stage as changes during the technical audit to achieve a compliant design speed may result in alterations to plot positioning and driveway orientation.
- The Applicant should detail bend widening on all bends of 10 degrees or more, to conform to Part 3, Table DG6 of the LHDG on a revised drawing.
- The radii at the junctions and turning heads should be detailed on the plan by the Applicant, to ensure they are in accordance with the LHDG guidance.
- Bends, turning heads and long private drives should be tracked with the appropriate Local Authority refuse vehicle specification, Fire Tender and Pantechon and checked to be in

accordance with LHDG.

- Currently, centre-line radius does not appear to be acceptable on some proposed bends.
- Visibility on all bends and junctions needs detailing on a revised plan in accordance with Part 3, Table DG1 of the LHDG. No obstructions should be present in visibility splays both at the access and for internal junctions and bends. Visibility splays must be contained wholly within the highway envelope.
- Whilst welcomed and encouraged by the LHA, for the avoidance of doubt, a footpath link to the adjacent development to the North would not be considered for adoption.
- Any tree species would be subject to agreement with LCC Forestry (forestry@leics.gov.uk) and must ensure a clear stem height, as to not impede on highway users' visibility.
- Root barrier/deflection treatment will be required when proposing trees/shrubs adjacent to the footway.
- The trees, verges and landscaping will be subject to a commuted sum.
- It should be noted that LCC will not adopt green open spaces save those required for the safe function of the highway (e.g. visibility splays or embankments).
- Clarification is required regarding the agricultural vehicle type(s) to use the access, as well as the frequency of use, as this may affect the carriageway construction depths and widths. Appropriate agricultural vehicle should be tracked through the relevant section of the development as the presence of parked vehicles will inhibit its ability to negotiate the residential street design.
- In light of the potential agricultural use, a strengthened footway construction would be required wherever agricultural vehicles are expected to pass.

Additional comments

- Gradients should conform to the standards set out in Part 3, Table DG1: General geometry of residential roads (internal) in LHDG. This will be required at the S38 stage.
- At this stage it is not possible to comment on the vertical alignment, drainage, materials or proposed construction details.
- The LHA are unable to comment on drainage proposals as gully positions have not been shown. All drainage should be in accordance with the LHDG guidance. It must be ensured that surface water from private land does not run or pool in the public highway.
- Any shared private drive serving more than five but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first five metres behind the highway boundary and a drop crossing of a minimum size, as shown in Part 3, Figure DG17 of the LHDG, at its junction with the adopted road carriageway.

Parking Provision and Shared Private Drives

The LHA has reviewed the parking provision within the site and can advise that whilst most of the plots have acceptable parking provision in terms of the number of parking spaces required, as well as the dimensions, the following amendments would be required:

- The internal garages for Plots 1 2 and 85 require widening and lengthening as these are required to count towards parking provision for each plot;
- The spaces for Plots 12 and 13 require widening due to being bound on one side; and
- The garage for Plot 110 (SG200-4 Double Garage) requires widening and lengthening as this garage will count towards parking provision.

Details in respect of parking space and garage dimensions are provided in Part 3, Para's 3.165 and 3.200 respectively.

Parking design on some plots may lead to parked vehicles being placed elsewhere, rather than in the remote parking spaces, for example Plots 30, 53, 54, 76 and 77. This should be reviewed where possible and/ or gates provided between the parking space and the garden to the plot, along with paving to the rear of the property.

The LHA would also advise that 1x1m pedestrian visibility splays are shown where private drives and shared private drives meet the adopted highway.

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 Davidsons drawing number XXXX_100 Rev SK002. 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. 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 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. 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 2023).

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 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.
- The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

Date Received
17 September 2024

Case Officer
Ben Dutton

Reviewer
DH

Date issued
02 October 2024