

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: P/21/0631/2

Highway Reference Number: 2021/0631/02/H/R1

Application Address: Land North East of Leicester

Application Type: Variation of Condition (s73)

Description of Application:

Re-consultation. S73 application for variation of condition 2, 9 and 10 of P/19/1457/2 (RMA2) - Reserved Matters (access, appearance, landscaping, layout and scale) for residential development of 226 dwellings within phase 1 of Outline permission referenced P/13/2498/2. Supported by the Environmental Statement submitted with Outline permission reference P/13/2498/2 (as amended by P/21/0630/2). (Variation to Schedule 1 and 2 relating to plot substitutions, increase in development of sub-phase by 1 plot and plot references of condition 10.)

GENERAL DETAILS

Planning Case Officer: Mark Pickrell

Applicant: David Wilson Homes East Midlands

County Councillor: Cllr Brenda Seaton

Parish: Thurmaston

Road Classification: Class A

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

No objection

No objection to Variation of Condition 2.

No comments

Conditions 9 and 10 were not advised by the Local Highway Authority (LHA) who therefore have no comments to make on these details.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been consulted by the Local Planning Authority (LPA), Charnwood Borough Council (CBC), on a Section 73 Variation of Condition application with respect to conditions 2, 9 and 10 of reserved matters application (RMA) P/19/1457/2 (RMA2), under which David Wilson Homes East Midlands were granted permission for 226 dwellings. The dwellings form part of Phase 1 of Outline planning application P/13/2498/2 (as amended by P/21/0630/2) for the Land North East of Leicester urban extension site, now also known as Thorpebury.

This response is based on a high level review of the following documentation which has been submitted in support of the Variation of Condition (S73) planning application:

- Planning application form dated 11 March 2021; and
- Drawing number H0000-001-01 Revision G, 'Composite Layout - Nett Areas Plan', revision dated 16 December 2020; and
- SGP drawing number 180912-SGP-ST-ZZ-DR-A131021 Revision A, 'Proposed Site Plan - RMA2 WDL', revision dated 11 March 2021.

Condition 2 (Plans)

For clarity, planning condition 2 is reproduced below:

'2. The development, hereby permitted, shall be carried out in accordance with the approved plans listed in Schedule 1.

REASON: To provide certainty and define the terms of the permission'

Schedule 1, which extends to two pages, can be seen in the LPA's Decision Notice for application P/19/1457/2 (RMA2) dated 11 February 2020.

Highways Comments (Plans): The LHA understands from the planning application form that the variation of condition 2 is sought to approve changes to house types (plot substitution, minor repositioning and the introduction of some new David Wilson Homes house types) following a land swap between David Wilson Homes and William Davis Ltd. The LHA understand that the land swap has been proposed to enable early access to the site for both developers.

Having reviewed drawing H0000-001-01 Rev G, which provides an overview of the land swap and variation / substitution of plot types, the LHA confirms that is has no objections to the layout of the revised proposals.

With respect to Public Right of Way matters, having reviewed substituted drawing number 180912-SGP-ST-ZZ-DR-A131021, the LHA notes that the Applicant continues to retain the legal line of Footpath J13 and therefore has no objection in this regard.

Informative

- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- f) 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.
- g) 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
3 May 2021

Case Officer
Adrian Whiteman

Reviewer
DH

Date issued
9 June 2021