

**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: 25/00393/REM

Highway Reference Number: 2025/0393/04/H

Application Address: Land Adjacent To Lockey Farm Hunts Lane Desford Leicestershire

Application Type: Reserved Matters

Description of Application: Approval of Reserved Matters (appearance, layout and scale) of outline planning permission 23/00061/OUT for residential development of up to 100 dwellings

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**GENERAL DETAILS**

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Mr Mitesh Rathod

County Councillor: Cllr Charles Whitford

Parish: Desford

Road Classification: Class B

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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 consulted on the approval of Reserved Matters (appearance, layout and scale) of outline planning permission 23/00061/OUT for a residential development of up to 100 dwellings at land adjacent to Lockey Farm, Hunts Lane, Desford.

The LHA has reviewed the following documents submitted by the Applicant in support of the proposals:

- Brp architects drawing number J127-BRP-00-00-DR-A-0001-P01 (Site Layout, As Proposed); and
- Building for Healthy Life document dated April 2025 and authored by Brp.

Note – The LHA have included hyperlinks to relevant sections of the [Leicestershire Highway Design Guide \(LHDG\)](#) within this report. These are underlined and in blue text.

### 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 LHDG.

After reviewing Brp architects drawing number J127-BRP-00-00-DR-A-0001-P01, the LHA advises that the internal access roads are currently not suitable for adoption by Leicestershire County Council. 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.

### Road Numbers

- To aid the LHA with providing comments, the Applicant is requested to number the roads within the development on the design plan.

### Carriageway Geometry

- The carriageway geometry does not accord with [Table 3](#) of the LHDG. For a development with 100 dwellings, the LHA expect to see a road width of 5.5m instead of 6.75m, unless there are proposals to expand the site in the future. Larger width carriageways would potentially be acceptable to futureproof the site and allow for expansion down the line. This requires clarification from the Applicant.
- If there are no future phases to be proposed, the Applicant will need to review and adjust the layout accordingly to ensure it is compliant, making note of the maximum number of plots served from each class of road etc.

### Adoption based on plot frontages

- There are less than six plots fronting onto/being directly served off what may be classed as Road 2 (leading to the foul water pumping station), in line with [Policy 5](#) of the LHDG this should be redesigned to increase the number of frontages or not be proposed for adoption.

### Speed control measures

- Speed control measures will need to be re-designed into the road layout. In this instance, the maximum distance between speed control measures, junctions or 90-degree bends should be approx. either 60m (20mph) or 40m (15mph) depending on the design speed/type of road. Further information can be found in [Table 20](#) of the LHDG.
- Further to the comment above, the minimum plateau length of vertical speed control measures should be 8m (or 9m if bus route to be proposed), ensuring the ramps do not conflict with the access drives of the dwellings. For further information, please see [Figure 31](#) of the LHDG.

### Forward Visibility

- Forward visibility splays are required, and the areas within the splays should be conveyed as highway especially outside Plot 52, in accordance with the LHDG. Further information is

available within [Figure 8](#) of the LHDG.

- The Applicant should also detail visibility splays at the junctions within the development. They must be on the plan within highway land, taking into consideration the 85<sup>th</sup> percentile vehicle design speed (mph). For further guidance, please refer to [Figure 6 & 7](#) of the LHDG.

### Radii

- The radii at the junctions and turning heads should be detailed on the plan, to ensure they are in accordance with the LHDG.
- The Applicant should also note that the radii for turning heads should typically be 8m. Please see [Figure 12](#) of the LHDG for further information.

### Turning heads

- The turning heads are not designed in accordance with the LHDG, subsequently they will all need amending to show 8m radii. Please see Figure 12 of the LHDG for further information.

### Footways

- The 2m footways are not required at the end of the turning heads that do not connect to the existing Public Right of Way (PRoW); a 1m service margin will suffice.
- Tactile paved uncontrolled pedestrian crossings should be provided and shown at junctions/ where appropriate. e.g. at PRoW crossings.
- Any isolated and/or interconnecting footpaths would not typically be considered for adoption e.g. the footpaths leading to the local equipped area for play and the pedestrian connection. If they were to be offered for adoption, they may incur an additional commuted sum.

### Private drives

- The Applicant should ensure that the visibility splays are shown at the private drive serving plots 24-30 (on the bend) in accordance with Figure 7 of the LHDG for it to be acceptable.
- The shared private drives that are over 25m in length, will require a minimum width of 5m and should provide turning facilities to allow for refuse collection.

### Landscaping

- The tree species will need to be agreed, to ensure a clear stem height, as to not impede on highway users' visibility. This will be checked further and approved at the S38 stage.
- Consideration of root barrier/deflection treatment will be required when proposing trees/shrubs adjacent to the footway. This will be checked further and approved at the S38 stage.

## Refuse Vehicle

- The Applicant is required to provide refuse vehicle tracking of the site (including the private drives) based on the LHAs [swept path analysis](#) guidance within the LHDG

## Additional Comments

- It is noted that the carry distance for some householders on the private drives exceeds the ideal maximum distance of 30m. The Applicant should also detail bin collection points where applicable. These will need to be located outside of pedestrian/ vehicular visibility splays. [The Building Regulations 2010, Drainage and Waste disposal Approved Document H, Paragraph 1.8, Page 54](#))
- The Applicant should note that at this stage it is not possible to comment on the vertical alignment, drainage, materials or proposed construction details.

## Parking Provision

- The LHA have reviewed the parking and garage (if provided) provision for each plot and considers the number of parking spaces and dimensions for each plot to be in accordance with the LHAs [off-street residential parking standards](#) guidance within the LHDG. The Applicant should however consider the visitor parking guidance within this guidance.
- Some spaces appear to be remote from the front door of the property, notably Plots 9, 52 and 71 and 100. The Applicant is advised to locate these closer to the properties or install gates and paving through the gardens to the dwelling.
- 1x1m pedestrian visibility splays should also be detailed where all private drives or shared private drives meet the highway.

## Public Rights of Way

The application site includes public right of way Footpath R95 along the inside western edge. In the submitted Building for Healthy Life Assessment the applicant commits in paragraph 2.1 to *‘Enhance the Public Right of Way’* and, in paragraph 2.2 adds *‘The existing Public Right of Way shall be upgraded as part of this proposal, making it more accessible for users. It spans north to south and provides a link to the open fields that lie on the west of the boundary, separating pedestrian and cycle use from vehicle’*. However, within the contexts of the appearance and layout of the development, more details on proposed surfacing etc.

The LHA advises improvements to the PROW could be secured by an appropriately worded condition which is included below. A Public Right(s) of Way (PRoW) treatment scheme should, where relevant, include:

- (a) Management during construction, including fencing, safety signage, and marshalling of crossing points (where needed); plus legal order(s) for temporary closures and diversion(s), any proposed temporary route(s) and how these will be kept usable.
- (b) Ensuring site plans reflect the correct PRoW legal alignment on the Definitive Map and, if needed, any legal order for a permanent diversion to ensure they will do so in future.

- (c) Any physical construction works: including widths, surfacing, drainage, structures, signposting, and impacts on the PRow of any landscaping and boundary treatments.
- (d) Ensuring these things reflect the Leicestershire Highways Design Guide (LHDG), and particularly the LHDG annex on Development and public rights of way at:  
<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/public-rights-way>

The LHDG locally applies the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG). NPPF paragraph 105 requires that '*Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users ...*'. The PPG includes Rights of Way circular 1/09 which is the main government policy on Development and PRows.

On specific points, the LHA would advise that:

- (i) The development will change and increase the use of the public right of way. Reflecting this the route should receive an all-weather wearing course 2 metre wide to the site boundary.
- (ii) Where the public right of way meets the carriageway at the development entrance, drop kerbs should be installed at the crossing point to aid accessibility.
- (iii) No trees or shrubs should be planted within 1 metre of the edge of the public right(s) of way. Any trees or shrubs planted alongside a public right of way should be non-invasive species.

### **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 architects drawing number J127-BRP-00-00-DR-A-0001-P01. 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 (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 and dropped kerbs that serves those dwellings has been provided. 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 (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 (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 (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 (2024).

6. No development shall take place until a scheme for the treatment of the Public Right of Way Footpath R95 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 alignments, or any legal diversion order to ensure they do so in future; 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 on Development and Public Rights of Way. 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).

### **Informative**

- 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](mailto: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).
- 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.
- The Public Right(s) 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.
- The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- 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.
- 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**  
**12 May 2025**

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

**Reviewer**  
**DH**

**Date issued**  
**02 June 2025**