

**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: 25/00537/REM

Highway Reference Number: 2025/0537/04/H/R2

Application Address: Land North Of A47 Normandy Way And East Of Stoke Road Hinckley Leicestershire

Application Type: Reserved Matters

Description of Application: Re-consultation. Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 22/00318/OUT for construction of 475 dwellings and associated infrastructure and landscaping works.

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### **GENERAL DETAILS**

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Mr Hugh Harriman

County Councillor: Hollycroft ED - Ann Pendlebury CC

Road Classification: Class A

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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 re-consulted on a reserved matters planning application of outline planning permission 22/00318/OUT for construction of 475 dwellings and associated infrastructure and landscaping works. The Application site is located on land north of A47 Normandy Way and east of Stoke Road Hinckley.

In its previous response dated 23<sup>rd</sup> October 2025, the LHA requested further changes to the internal layout, which consisted of material planning considerations and adoptability comments.

## Internal Layout

### Parking

Parking provision generally appears to be in accordance with the LHDG. The LHA note no visitor parking has been provided within the site. Whilst this is a requirement of the new LHDG which was published in December 2024, it would be unreasonable for the LHA to seek to resist the proposals on this basis.

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), which is available at <https://www.leicestershirehighwaydesignguide.uk/>.

The LHA's comments are in response to reviewing the following drawing:

- Extent of Adoption Plan, drawing no. MZ567\_03\_240\_02 Rev A

### Material Planning Considerations

The LHA now consider that there are no material planning considerations with regard to the internal layout, therefore the site is considered suitable for planning permission as currently proposed.

### Adoptability Comments

The LHA consider that the internal layout does not fully accord with the LHDG and the site is therefore, not suitable for submission of a S38 application post granting of planning consent as currently presented. Whilst it is not a requirement for these matters to be addressed during the planning application stage, the Applicant may wish to consider addressing the following points in order to demonstrate a layout more likely to be suitable for an application for adoption under S38:

- There are less than six plots fronting onto/being directly served by the roads serving Plots 464, 336 and 77 – in line with Policy 5 of the LHDG this should be redesigned to increase the number of frontages or not be proposed for adoption.
- Clarification has been received regarding the 5.5m wide road serving Plot 131. It is understood it has been designed for the proposed future development on the school land. The Applicant should note that if no future development is served a commuted sum will be charged at the S38 stage for the additional highway area. For further information the Applicant should consider the guidance in [Table 3: General geometry of residential roads \(internal\)](#) of the LHDG.
- The Applicant should note that the additional squared edges of the shared surface around the LAP area will incur a commuted sum at the S38 stage.
- The LHA note that the carry distance for some householders on private drives exceeds the ideal maximum of 30m (The Building Regulations 2010, Drainage and Waste disposal Approved Document H, Para 1.8, Page 54.

The Applicant is advised that the above matters are expected to result in changes to plot positions; should the application be determined with the site layout as currently presented and the Applicant subsequently wishes to put forward the roads for adoption under S38, this could result in the requirement for a Non-Material Amendment or S73 Variation of Condition application being

required to be submitted to the LPA to meet the required LHDG standards.

The Applicant is advised to note the following points:

- Consideration of root barrier/deflection treatment will be required when proposing trees/shrubs adjacent to the footway.
- At this stage it is not possible to comment on the vertical alignment, drainage, materials or proposed construction details.
- In line with the LHA's Road safety audit policy, please note that a Stage 2 RSA will be required when the S38 application is made to the LHA.

### **Conditions**

1. The development hereby permitted shall not be occupied until such time as off-street car, parking provision with turning facilities has been provided, in accordance with the Extent of Adoption Plan, drawing no. MZ567\_03\_240\_02 Rev A. Thereafter the onsite parking and turning provision shall be kept available for such uses 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. No residential unit shall be occupied until such time as the access drive (and any turning space) has been 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. 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 Table 13 of 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 five metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and 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).

### **Informative**

- a) 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.
- 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](mailto: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**  
**6 November 2025**

**Case Officer**  
**Suraj Dave**

**Reviewer**  
**DH**

**Date issued**  
**20 November 2025**