

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 Growth, Environment & Transport.

APPLICATION DETAILS

Planning Application Number: 25/00990/FUL

Highway Reference Number: 2025/0990/04/H/R4

Application Address: Land Off Station Road, Bagworth

Application Type: Full

Description of Application: Re-consultation. Erection of 42 dwellings, formation of access, associated landscaping and attenuation pond

GENERAL DETAILS

Planning Case Officer: Alex Jelley

Applicant: A R Cartwright Limited

County Councillor: Markfield, Desford & Thornton ED - Charles Whitford CC

Parish: Bagworth & Thornton

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 Policy TR6(4) of the National Planning Policy Framework (2026), 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 by the Local Planning Authority (LPA), Hinckley & Bosworth Borough Council (HBBC), on a planning application which seeks the:

‘Erection of 42 dwellings, formation of access, associated landscaping and attenuation Pond.’

The proposals are on land off Station Road, Bagworth, Leicestershire.’

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

The LHA have previously responded to the LPA several times in relation to this site, latterly on 17 July 2026 requesting further information in relation to the adoptability of the site and the submission of a Stage One Road Safety Audit.

It is noted that there has been a layout amendment resulting in a reduction of four dwellings from the original 46 dwellings to 42.

In response to the LHAs observations the Applicant has provided the following documents:

- Site Layout, drawing number 04o and
- Block Plan, drawing number 05m

It should be noted at this point that the LHA reviewed 'Site Layout', drawing number 04n, and an additional plan has been uploaded to the LPA website. The LHA are satisfied that there are no amendments to the layout, only the additional information overlaid onto the drawing and consider the observations below sound.

Having reviewed the drawing titled 'Site Layout', drawing number 04o, the LHA welcome that the footway to the northwest of the access terminates within the site.

The LHA stated within their original observations provided to the LPA on 17 November 2025 that a residential access for this scale of development should have a minimum effective width of 4.8m. Whilst the Applicant may be wishing to future proof the access, it should be noted that the Applicant could be liable to pay commuted sums in respect of the additional width over and above that required within the LHDG.

The LHA have requested the submission of a Stage One Road Safety Audit (RSA1) along with an accompanying Designers Response to any points raised in the audit numerous times and this again has not been forthcoming. Details on the LHA's RSA1 Policy can be found at the following link:

<https://www.leicestershirehighwaydesignguide.uk/highway-development-management/road-safety-audit-policy>.

In the absence of a RSA1, the LHA advise that a combined Stage One and Two Road Safety Audit will be required at the detailed design stage. The LHA caution that choosing to combine RSAs at a later stage is at the Applicant's own risk should there be obstacles to the delivery of the scheme which otherwise may have been noted during a RSA1. This may result in a Section 73 planning application being required to mitigate any issues found.

The LHA note there have been several plot revisions; however, the LHA are satisfied that most plots accord with LHDG guidelines. However, whilst it is accepted that this is likely to be a drafting error, it is noted that plot 23 has been allocated three off-street parking spaces and plot 22 has been allocated one, even though they are both one-bedroom dwellings. [Table 28](#) of the LHDG states that for dwellings with up to three bedrooms, two off-street parking spaces should be provided. This can be seen within Figure 1 below. Within Figure 1 it is also stated by the Applicant that there is potential for a pedestrian link. The LHA advise that this is not within the red or blue line and should not impact the off-street parking space adjacent.



Figure 1

Transport Sustainability

As part of the LHAs original observations provided to the LPA on 17 November 2025 the LHA stated the following:

'There is a small centre to the south of the site which includes a small supermarket that is within walking distance. There are also bus stops within the vicinity of the centre; these provide a limited service to Leicester and the surrounding area.

There is also a 'Demand Responsive Transport' facility within the area through 'Dial a Ride', this provides a door-to-door social car scheme for those living in the Hinckley & Bosworth area.

The LHA is satisfied for the LPA to include this transport context in its wider sustainability considerations for the site.'

The LHA are now aware that there are additional bus services available along Station Road which would improve the sustainability of the site in terms of transport to the City of Leicester and the surrounding settlements.

As previously advised, the LHA would require 1 x Travel Pack containing application forms for 2 x six-month bus passes per dwelling. This could be secured as part of a S106 agreement.

Again, the LHA are satisfied for the LPA to include this transport context in its wider sustainability considerations for the site.

Adoptability

Items requiring action prior to planning approval

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:

- Amended tracking has not been provided, the refuse vehicle must remain within land to be adopted for it to be acceptable.

- 2m footways should be provided on both sides of the carriageway, particularly where there are plots fronting onto the highway. A 1m service margin can be provided at location(s) where 2m footways are not necessary, for example surrounding the turning head.
- While Forward visibility splays are shown, and the areas within the splays should be conveyed as highway in accordance with the LHDG. For further information, please see [Figure 8](#) of the LHDG.
- Please can the vehicle crossover areas for plots 5-8 match that of 1-4 where it is shown as footway.
- Speed control measures will need to be designed into the road layout. In this instance, the maximum distance between speed control measures, junctions or 90-degree bends is approx. 60m. 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, and the ramps should not conflict with the access drives of the dwellings. For further information, please see [Figure 31](#) of the LHDG.

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.

Items which can be captured at the S38 application stage, as a part of the detailed design

- Any isolated and/or interconnecting footpaths would not typically be considered for adoption. If they were to be offered for adoption, they may incur an additional commuted sum.
- The radii at the junctions and turning heads should be detailed on the plan, to ensure they are in accordance with the LHDG.

Additional Comments (i.e. items the applicant should be aware of when making the detailed S38 application):

- 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.

The comments above are made for the purpose of ensuring that the proposed layout meets the minimum requirements for a S38 application, should the applicant wish to do so. Certain elements (as mentioned in Section 3., and in the LHDG) which can only be checked at the S38 detailed design stage may impact the development's adoptability. A design which addresses all comments above will not guarantee a successful S38 application.

Whilst the above should be provided should the site be offered for adoption, the LHA are satisfied that should the site remain private, the LHA would not seek to resist the proposals subject to the following conditions.

Conditions

1. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
2. REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area
3. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Access layout, drawing number 109538 PEF XX XXX D H 00001 have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2026).

4. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Site Layout drawing number 04o. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) 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 (2026).

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 (2026).

6. The development hereby permitted shall not 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 (2026).

Contributions

Please note that the exact monetary values will need to be agreed prior to the signing of the Section 106 agreement and may be subject to indexation.

To comply with Government guidance in NPPF and commensurate with Leicestershire County Council Planning Obligations Policy the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:

1. Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack per plot). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500.

Justification: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area. Suggested trigger point: Prior to the occupation of the first dwelling.

2. Six-month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at an average of £632.50 per pass for an Arriva service).

Justification: To encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation.

Suggested trigger point: Payment of 25% of total obligated contribution paid prior to the occupation of the first dwelling. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings, except payment may be deferred by agreement with the County Council

Informative

- Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>

- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- 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.
- If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>
- If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.

Date Received **Case Officer**
17 September 2026 **Neal Chantrill**

Reviewer
BD

Date issued
8 October 2026