

**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: 25/00485/OUT

Highway Reference Number: 2025/0485/04/H/R1

Application Address: Highcliffe 158 Shilton Road Barwell Leicester Leicestershire LE9 8BN

Application Type: Outline (with access)

Description of Application: Re-consultation. Outline planning permission for residential development of up to 28 dwellings with associated infrastructure (All matters reserved except for access and layout)

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**GENERAL DETAILS**

Planning Case Officer: Laura Ashton

Applicant: Mr Paul Tut

County Councillor: Mallory ED - Mark Bools CC

Parish: Barwell

Road Classification: Class C

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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 by the Local Planning Authority on an application for outline planning permission for a residential development of up to 28 dwellings with associated infrastructure. The LHA understands that all matters are reserved except for access and layout.

The LHA previously submitted observations to the LPA on dated 16<sup>th</sup> June 2025, as well as submitted further, updated observations on 7<sup>th</sup> July 2025 to include adoptability comments. The observations advised that additional information was required, notably:

- Detailing pedestrian and vehicular visibility splays for both access points, which show they can be achieved fully within the extents of the public highway or land under the Applicants control on a drawing;
- Provision of a 2.0m wide pedestrian footway across the site frontage on Shilton Road, which ties into the existing footway provision either side;

- Amendments to the internal layout should the Applicant wish for the internal road network to be considered for adoption; and
- A stage 1 Road Safety Audit of the site access proposals.

The Applicant has submitted the following documents with the view to resolving the LHA's previous comments:

- Transport Statement (second issue) produced by JRC Transport Consulting Ltd dated July 2025; and
- Stage 1 Road Safety Audit, produced by DSG Events and Traffic Management, dated July 2025.

## **Site Access**

### **Shilton Road Access**

Access details are shown on JRC Consulting drawing numbers CH001, Issue 2 and CH003, Issue 2, which is available within Figures 5.0 and 7.0 of the Transport Statement. Pedestrian and vehicular visibility splays have been detailed and are acceptable. In addition, a 2.0m wide pedestrian footway has been shown fronting the site which joins the existing sections of footway on Shilton Road together. This is welcomed by the LHA and would need to be dedicated as public highway.

The submitted Stage 1 Road Safety Audit (RSA1) raises one problem with this access. This refers to overgrown vegetation, which obstructs visibility. Whilst a Designer's Response does not appear to have been submitted, the LHA accept that the hedgerow fronting Shilton Road would require removal to achieve the visibility splays and also the proposed footway.

Overall, the LHA consider the Shilton Road access proposals to be acceptable.

### **Leicester Road Access**

Access details are shown on JRC Consulting drawing numbers CH002, Issue 2 and CH003, Issue 2, which is available within Figures 6.0 and 7.0 of the Transport Statement. The LHA are satisfied appropriate visibility can be achieved at the site access, and that the Applicant has provided details of tactile paving at the site access.

The RSA1 raises a similar problem at the access in terms of vegetation. The LHA accepts that at this location, it would be possible to cut back the hedgerow to improve visibility.

The LHA consider the Leicester Road access proposals to be acceptable.

## **Highway Safety**

The LHA previously advised that it did not consider the proposals would exacerbate an existing highway safety concern on the surrounding network. The LHA now consider that safe and suitable access to the site can be achieved.

## **Trip Generation**

The LHA previously advised that whilst the Applicants trip rates were low, a detailed assessment of the trip generation was not required given the scale of the proposed development.

### **Internal Layout**

Based on the submitted application form, the Applicant wishes for the internal road layout to be adopted, and the layout of the site is to be determined as part of this application.

The LHA initially submitted observations to the LPA on 16<sup>th</sup> June 2025, however these omitted the internal layout comments. Revised comments were issued on 7<sup>th</sup> July 2025. However, it is unclear whether these have been provided to the Applicant as they do not appear to be available on the LPA's Planning Portal because a revised layout has not been provided by the Applicant.

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 Applicant is advised that any review of the site layout provided by the LHA prior to determination of this planning application does not prejudice any future S38 application made to the LHA post granting of planning consent. Furthermore, adoptability of a site cannot be formally established until such time as S38 technical approval has been obtained through the S38 technical appraisal process with the LHA following the grant of planning permission. A site layout design submitted as part of a planning application which addresses all comments below does not guarantee a successful S38 application.

To aid the design process, the LHA have provided the comments that were made within the 7<sup>th</sup> July 2025 observations, which were based on the following drawing:

- Hayward Architects drawing number 23-115-PL03

Adoptability of a site is not a material planning consideration. The comments below are therefore broken down into 'material planning considerations', which are required to be addressed pre-determination of this application, irrespective of adoptability, and 'adoptability' comments, which the Applicant may choose to address during the planning process in order to work towards a layout that meets the requirements for a S38 application.

Further information regarding sites that remain in private ownership and that are not adopted by the LHA can be found within the LHDG at <https://www.leicestershirehighwaydesignguide.uk/approvals-road-adoptions-and-commuted-sums/roads-are-remain-private>.

### **Material Planning Considerations**

The LHA consider that the internal layout does not accord with the LHDG and the site is therefore not suitable for planning permission as currently proposed. Whilst the LHA advises there are no material planning considerations, the Applicant should consider the following:

### **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 to demonstrate a layout more likely to be suitable for an application for adoption under S38:

- For information the road serving plots 1 to 3 would be deemed a private drive with it not according with the LHDG Adoption policy available at: <https://www.leicestershirehighwaydesignguide.uk/approvals-road-adoptions-and-commuted-sums/highway-adoption-policy>.

For a road to be considered for adoption, six or more plots need to directly front it and with it being sited separately from the main site road wouldn't form part of any S38 legal agreement for adoption. Additionally, a S184/S278 would be required to form the access for these three plots.

- The Applicant should ensure that all forward visibility on bends, junctions, highway and footways throughout the site are in accordance with [Table 3](#) of the LHDG. 25m forward visibility will be required in this instance. Forward visibility will need to be demonstrated on a drawing.
- The Applicant also needs to ensure that the forward visibility on bends, junctions, highway and footways is contained within the highway in accordance with the LHDG. Currently there is an issue on the bend adjacent to plot 26 with the required 25m forward visibility falling out of the highway.
- The site design will need to be reviewed to ensure that speed control measures are included.
- Any speed control tables that are incorporated into the layout will need to accord with [Table 20 and Figure 31](#) the LHDG.
- Owing to the nature of the bend adjacent to plot 26, this could be taken into consideration as a form of speed control however a speed control bend will need to be designed in accordance with the [Figure 27](#) of the LHDG.
- Bend widening should be included as necessary in accordance with [Table 7](#) 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.

The following elements of the proposals do not accord with the LHDG, however, as these are not expected to alter plot positions, it is expected that these can be addressed as part of a future S38 technical appraisal process:

- All radii on the proposed turning head is in accordance with [Figure 12](#) of the LHDG.
- The carriageway and footway of the proposed turning head currently being proposed to be constructed using block paving. The LHA would prefer to see this installed as a bituminous surface and should it remain as block surfacing it will attract a commuted sum in accordance with the LHDG, further information can be found via - <https://www.leicestershirehighwaydesignguide.uk/approvals-road-adoptions-and-commuted-sums/highway-adoption-policy>

[sums/commuted-sums/applying-commuted-sums.](https://www.leicestershirehighwaydesignguide.uk/sites/lcchighwaydesign/files/2024-12/lhdg-specification-for-highway-works-for-new-developments-v3-2024-1.pdf)

- The Applicant should also note that any block paving that is installed, is installed in accordance with the LHDG Specification for highway works for new developments: <http://leicestershirehighwaydesignguide.uk/sites/lcchighwaydesign/files/2024-12/lhdg-specification-for-highway-works-for-new-developments-v3-2024-1.pdf>, in particular Appendix 11/1: Kerbs, footways and paved areas, Concrete block paving to carriageways, shared surfaces, footways and other paved areas, in order to ensure that it meets the Leicestershire County Councils standard.

The Applicant is advised to note the following points:

- Any isolated footpath links that run throughout the site will not be considered for adoption.
- Any tree that is to be planted within the highway or the vicinity of the highway is provided with the necessary root protection and likewise, any tree that is to remain within the highway or vicinity of the highway is also provided with the necessary tree root protection.
- Where trees are to overhang the highway, they must be of a type with a minimum clear stem of 2.2m. Please note that any tree that is to be situated within the highway will attract a commuted sum in accordance with the Leicestershire Highways Design Guide, Approvals, Road adoptions and commuted sums - <https://www.leicestershirehighwaydesignguide.uk/approvals-road-adoptions-and-commuted-sums/commuted-sums/applying-commuted-sums> and the associated Leicestershire Commuted sum policy - <https://www.leicestershirehighwaydesignguide.uk/approvals-road-adoptions-and-commuted-sums/commuted-sums/commuted-sums-policy>.
- Gradients should conform to the standards set out in Table 3 of the LHDG.
- The LHA are unable to comment on drainage proposals as gully positions have not been shown. All drainage should be in accordance with the Drainage Design of the LHDG: <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/highway-drainage-design>. It must be ensured that surface water from private land does not run or pool in the public highway.

#### Residential Parking

The LHA considers the level of parking provision within the site to be acceptable.

#### **Transport Sustainability**

The LHA considers that the site is in a sustainable location in transport terms. Bus stops serving bus services between Nuneaton/ Coventry and Leicester city centre are within an approximate 300m walk of the site. In addition the site is approximately a 400m walk from the nearest primary school and 630m from a convenience store.

The LHA advise that the Applicant would be required to provide one Travel Pack per dwelling (currently £52.85 if provided by LCC or a £500 fee to review a pack produced by the Applicant) and application forms for two x six month bus passes per dwelling (currently £605 per pass for an Arriva service) in order to inform new residents of the sustainable travel options in the area and encourage more sustainable transport.

## **Conditions**

1. No part of the development shall be occupied until such time as the offsite works (new pedestrian footway) shown on JRC Consulting drawing number CH001, Issue 2 have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2024).

2. 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.

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 JRC Consulting drawing numbers CH001 Issue 2, CH002 Issue 2 and CH003 Issue 2 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 (2024).

4. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 x 59 metres to the west and 2.4 x 40 metres to the east at the Shilton Road access and 2.4 metres x 59 metres in each direction at the Leicester Road access have been provided. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2024).

No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2024).

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Hayward Architects drawing number 23-115-PL03. 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 (2024).

6. The development hereby permitted shall not be occupied until such time as the access drives on to Shilton Road/ Leicester Road have been 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 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).

7. 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 an appropriate length of dropped kerbs that serve 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).

8. The new vehicular accesses hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing access on Leicester Road that becomes redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2024).

9. 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).

10. 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 vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of six metres of the highway boundary, nor shall any be erected within a distance of five metres of the highway boundary unless hung to open away from the highway.

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).

### **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 highway safety, 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 £605 per pass for an Arriva service).

Reason: 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/>

- 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).
- Planning Permission is required for any construction access onto a classified road, unless it is in strict accordance with the development access planning approval. To carry out off-site works associated with a construction access onto a classified road, 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. However, if planning consent has not been secured in respect of the construction access, the section 184 application will be refused.

**Date Received**  
**3 October 2025**

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

**Reviewer**  
**DH**

**Date issued**  
**16 October 2025**