

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: 24/00709/REM

Highway Reference Number: 2024/0709/04/H/R2

Application Address: Ashfield Farm Kirkby Road Desford Leicester Leicestershire LE9 9JX

Application Type: Reserved Matters

Description of Application: Re-consultation. Application for approval (relating to Appearance, Landscaping, Layout and Scale for the erection of 120 dwellings and associated works.) attached to planning permission 22/01227/OUT (APP/K2420/W/23/3320601).

GENERAL DETAILS

Planning Case Officer: Alex Jelley

Applicant: Mr Richard Henderson

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

Parish: Peckleton

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 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 Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a Reserved Matters application for site layout, scale, appearance, and landscaping of outline planning application 22/01227/OUT (appeal decision APP/K2420/W/23/3320601) for 120 dwellings with associated works at Ashfield Farm, Kirkby Road, Desford.

The LHA previously advised on 2nd October 2024 and 15th May 2025 that it had no objection to the proposals subject to conditions, however the internal development roads were not considered to be to an adoptable standard.

The LHA has reviewed the following drawing submitted in support of the proposals:

- An annotated copy of the LHA's previous observations with the applicant's response to the points raised;
- Davidsons drawing number XXXX_100 Rev. P03 (Planning Layout);
- Davidsons drawing number XXXX_101 Rev P03 (Highways Layout);
- Davidsons drawing number XXXX_200 Rev P02 (Materials Layout / Boundary Treatment);
- Davidsons drawing number 1089-ENG-1250 Rev. A (Swept Path Analysis – Fire Tender);
- Davidsons drawing number 089-ENG-1251 Rev. A (Swept Path Analysis – Refuse Vehicle).

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 Davidsons drawing number XXXX_100 Rev P03, the LHA advises that the internal access roads are currently still not suitable for adoption. 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.

Internal Geometry

- The applicant has responded to the previous comments which is welcome, and several items have been addressed. Comments have been updated to reflect clarifications in the [Leicestershire Highway Design Guide](#) (LHDG) , or items which still require further attention.
- The links between Street 02 and Street 03 have been severed by the introduction of bollards on the private drives. The specification for these will need to be provided. Concern remains that the grassed area adjacent Shared Drive 08 could be used to bypass the bollards. Likewise Shared Drive 10/06.
- Refuse tracking shows the fire tender overhanging the balancing pond next to Shared Drive 03.
- Footway provision of 2m has now been shown, largely adjacent to the carriageway and are always present on both sides where properties are served. A minimum 1m hard surfaced service margin is no longer an option within the LHDG and this should be replaced with 2m minimum hard surface, or a 1m minimum width verge (min 10m² overall verge size).
- Where footways are set back, a commuted sum will be charged for all additional footway, verge and carriageway areas not required for safe function of the highway.

Speed control measures

- The roads proposed will need to have adequate speed control features so that they conform to LHDG standards. Junction table(s) should be designed in accordance with the guide and plateau length above the minimum required.

- Currently, speed control is not in accordance with the LHDG. Speed control should be fully considered at the planning stage as changes during the technical audit to achieve a compliant design speed may result in alterations to plot positioning and driveway orientation. Street 02 does not look to be in accordance with the LHDG, and speed control bends on Street 01 are not designed in accordance with [Figure 27](#).

Bend Widening

- The applicant is required to provide bend widening on all bends of 10 degrees or more, to conform to the LHDG. Insufficient dimensions have been provided to consider whether bend widening has been applied. Carriageway widths still appear to be 5.5m at the locations where the LHA would expect to see widening. The speed control bend also requires attention as stated above.

Radii

- Bends, turning heads and long private drives should be tracked with the appropriate Local Authority refuse vehicle specification, Fire Tender and Pantechicon and checked to be in accordance with LHDG. Turning heads are shown at 7.5m on Street 02, whereas the LHDG requires an 8m radii.

Visibility Splays

- No obstructions should be present in visibility splays both at the access and for internal junctions and bends. Visibility splays must be contained wholly within the highway envelope.
- Visibility on all bends has been added but no dimensions shown. The applicant should note that forward visibility for Residential Roads is 25m at all bends. Visibility at 90-degree bends is shown at 17m, rather than the required 25m.

Footpath Link

- A footpath link to the adjacent development to the north would not be considered for adoption.

Track Link

- The applicant is required to clarify the usage proposed for the 4m wide track off Shared Drive 04.

Landscaping

- Any tree species be subject to agreement with LCC Forestry and must ensure a clear stem height, as to not impede on highway users' visibility.
- Root barrier/deflection treatment will be required when proposing trees/shrubs adjacent to the footway.
- The trees, verges and landscaping within the highway will be subject to a commuted sum.

- It should be noted that Leicestershire County Council will not adopt green open spaces save those required for the safe function of the highway (e.g. visibility splays or embankments).

Additional Comments

- Gradients should conform to the standards set out in [Table 3: General geometry of residential roads \(internal\)](#) in the LHDG. This will be required at the S38 stage.
- No consideration has been made of the suitability of pedestrian visibility, private footpaths, private visitor parking bays, etc.
- At this stage it is not possible to comment on the vertical alignment, drainage, materials or proposed construction details.
- It is not possible to comment on drainage proposals as gully positions have not been shown. All drainage should be in accordance with the LHDG. It must be ensured that surface water from private land does not run or pool in the public highway.
- Any shared private drive serving more than five but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first five metres behind the highway boundary and a drop crossing of a minimum size, as shown in the LHDG, at its junction with the adopted road carriageway.

Parking Provision and Shared Private Drives

- The applicant has amended parking provision as previously requested and this is now considered to be acceptable.
- 1x1m pedestrian visibility splays are now shown on the drawing.

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 Davidsons drawing number XXXX_100 Rev. P03. 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 (December 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 that serves those dwellings has been provided in accordance with 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 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 (December 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 (December 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 (December 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 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 (December 2024).

Informative

- Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
- 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.

- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

Date Received
27 May 2025

Case Officer
Ben Dutton

Reviewer
DH

Date issued
13 June 2025