

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: 25/00543/REM

Highway Reference Number: 2025/0543/04/H/R1

Application Address: Land North East Of Triumph Motorcycles Ltd Normandy Way Hinckley Leicestershire LE10 3BZ

Application Type: Reserved Matters

Description of Application: Re-consultation. Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission (ref: 15/00188/OUT) for the residential development of 127 dwellings (Phase 7)

GENERAL DETAILS

Planning Case Officer: Emma Baumber

Applicant: c/o Agent

County Councillor: Hollycroft ED - Ann Pendlebury CC

Parish:

Road Classification: Class A

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 (LPA) on the approval of Reserved Matters (appearance, landscaping, layout and scale) of outline planning permission 15/00188/OUT for the residential development of 127 dwellings (Phase 7) located at land north east of Triumph Motorcycles Ltd, Normandy Way, Hinckley, Leicestershire LE10 3BZ. The LHA responded to the LPA on 15 August 2025 advising approval subject to conditions.

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

- House Types, November 2025
- Double Brick (Garage Plan), drawing number GE2F
- Site Layout, drawing number EM136-PD-021Q, updated 5 November 2025

- Coloured Site Layout, drawing number EM0136-PD-002
- Fire Tracking, drawing number EM136-PD-050E, updated 5 November 2025
- Refuse Tracking, drawing number EM136-PD-030F, updated 5 November 2025
- Parking Analysis Plan, drawing number EM136-PD-053E, updated 4 November 2025

Internal Layout

The Applicant has indicated that they wish for the main internal development roads to be put forward for adoption.

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 Leicestershire Highway Design Guide (LHDG) available at <https://www.leicestershirehighwaydesignguide.uk/>.

The LHA advise that currently the proposals would not be suitable for adoption. It should be noted that whether the road layout is adopted is not a material planning consideration and the LHA do not consider the road layout to be unsafe, therefore the LHA would not seek to resist the proposals.

The LHA has reviewed the Site Layout, drawing no. EM136-PD-021Q, and note that the staggered crossroads arrangement on the main development spine road to the south of the site has been amended so that the arm serving plots 296, 297, and 304 to 311 is now south of the arm leading from Partridge Road.

Material Planning Considerations

As advised above, whilst adoptability of a road is not a material planning consideration and absence of the amendments would not lead the LHA to seek to resist the proposals as currently shown, the development roads would need to remain in private ownership. The LHA advise the below amendments would not be possible at detailed S38 design stage due to the fact that alterations to road geometry and bend radii would necessitate the moving of both building plots and affect the dimensions of driveways. This therefore could be a material planning consideration for the LPA and require the Applicant to undertake the amendments at this stage, prior to determination of the application in order to achieve an adoptable road layout.

- **Forward visibility** – The Applicant must detail 25m forward visibility through bends on the design plan. This must be contained within the highway boundary and further information is below.

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/visibility-splays>

Adoptability Comments

The LHA believe the below points could be resolved at the S38 stage following planning permission being granted, for which full compliance with the LHDG will be required, however the Applicant may wish to undertake the amendments at this stage.

- **Road numbers** – The LHA request the Applicant to add road numbers to the design plan as these will aid the LHA with providing design comments.

- **Road width**- The road serving plots 311 to 295 has a road width of approximately 6.75m which is inappropriate for this location the road width should be 4.8m. Guidance on this can be found within the Leicestershire Highway Design Guide (LHDG) via the links below

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design>

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/road-types>

- **Road classification** – The Applicant should clearly identify access roads, access ways and any shared surfaces to be installed on site. Further information can be found on the link below.

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/road-types>

- **Dropped crossing points** – The Applicant is required to detail the location dropped crossing points are to be installed on site and ensure tactile paving is detailed.

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/developments-served-private-drives-and-areas>

- **Turning head radii** – The LHA require the Applicant to detail the turning head radii on the design plan. further information can be found in (LHDG), please see the link below.

<https://www.leicestershirehighwaydesignguide.uk/design-layouts/road-design-and-layout/turning-heads-point>

- **Junction radii** – The Applicant will be required to detail the junction radii to be installed on site at all junctions within the development. Further information relating to junction radii can be found within the LHDG via the link below.

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/junction-type-geometry-and-spacing>

- **Junction visibility**- *Please detail 25m visibility splays will be provided at all junctions within the development on the design plan. Please note these must be contained within the highway boundary, please reference link below.*

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/visibility-splays-and-bend-widening>

- **Remote parking** - *A number of plots have, private parking bays, located remotely from the front door access points. Experience has shown this type of parking arrangement leads for inconsiderate parking at junctions and on footways. Please review, the layout to resolve this issue.*

Parking Provision

The LHA have reviewed the parking and garage (if provided) provision for each plot and considers

the number of parking spaces on driveways and internal garage dimensions for each plot to be in accordance with the LHAs off-street residential parking standards guidance within the LHDG.

It is noted on the Amended Parking Analysis Plan, drawing no. EM100-PD-053A, that some parking spaces are too short in length and width. Minimum parking measurements according to the LHDG should measure 2.4m x 5.5m, add 0.5m if bounded by a wall, fence, hedge, line of trees or other similar obstructions on 1 side, 1m if bounded on both sides. Tandem parking spaces should be provided at 6m in length per space, i.e. 12m length for two spaces. For more information, please see the link below:

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/parking-and-making-provision-service-vehicles/design-principles-street>

The Applicant also note the requirement for visitor parking available at the link below:

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/parking-and-making-provision-service-vehicles/street-residential-car>.

1x1m pedestrian visibility splays should also be detailed where all private drives or shared private drives meet the highway.

The bin collection points that serve plots 261 to 266 and plots 379 and 380 could impact visibility where it joins the spine road. The LHA request that the Applicant relocates these closer to the parking bays for plot 266 and 379 respectively.

The private drive serving plot numbers 364, 365 and 366 will need to be amended as it currently measures 4.1m in width which is below the required 5m.

Public Rights of Way (PROW)

The application site includes public right of way Footpath U6 running roughly north-south along the inside western boundary and public right of way Footpath T53 running east-west along the inside northern boundary. The LHA response dated 15 August 2025 details outstanding issues with the treatment of these Public Rights of Way (PRoWs). More recently submitted documents do not resolve the issues or are in conflict with the National Planning Policy Framework, Planning Policy Guidance, and the LHDG.

The National Planning Policy Framework (Dec 2024) paragraph 105 requires: “Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users ...” Also Planning Policy Guidance in Circular 1/09 establishes that “The effect of development on a public right of way is a material consideration in the determination of applications for planning permission ...”

The LHA therefore advises a PRoW Treatment Scheme should be conditioned and advises the following points:

- A PRoW treatment scheme could comprise one single document; or a series of plans; or be parts of other document(s) (e.g. a Construction Management Plan) as long as all the impacts on the PRoW(s) are explicitly addressed and clearly identified within the document(s).

- The current Surface Materials plan dated May 2025 shows all the PRoWs as still being surfaced in Breedon Gravel. The east-west Footpath T53 needs to be tarmac. It forms a link for everyday active travel within the site and a key access to any future development to the west. In 2015 after the initial application 15/00188/OUT Bloors specified that this route should have a “2m wide tarmac with timber edging for the footpath”. That should still remain the case.
- The recently submitted Site Landscaping plans EM100-LS-025h and EM100-LS-026g appears to show some tree and hedge planting closer than 1 metre to the proposed surface for Footpath U6 where it runs along the inside western boundary. Sideways ‘outgrowth’ from trees, shrubs and hedges beside a PRoW can create unlawful highways obstructions where the landholder fails to adequately maintain them. That is more likely if planting is too close to the PRoW surface, unreasonably increasing the likelihood of the LHA having to take enforcement action.
- Government policy, reflecting the Equality Act 2010, is that PRoW barriers should be the ‘least restrictive’ option possible. In particular, stiles are awkward even for otherwise able walkers, such as older people, with mobility limitations such as hip or knee problems that make it harder to climb over barriers. As a result, the ‘least restrictive’ option policy means new and reviewed crossing points must either involve gaps, pedestrian gates, or (if the boundary must be livestock proof) kissing gates to a design approved by the LHA.
- ‘Fingerpost signs are a legal requirement where a PRoW exits from a surfaced road. The existing sign off Main Road is outdated and requires replacement. A similar sign will be required at the new turning head. The legal diversion, at the northern boundary, will require a waymark post reflecting drawing SD/FP/6 as at:
<https://www.leicestershirehighwaydesignguide.uk/sites/lchhighwaydesign/files/2025-01/sd-fp-6-waymark-post.pdf>.

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 EM136-PD-053E. 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).

6. No development shall take place until a scheme for the treatment of the Public Right(s) of Way 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 processes to ensure they do so in future; and any new construction works. Physical construction should address width, surfacing, drainage, structures, signage, land barriers and impacts of any landscaping and boundary treatments in accordance with the principles set out in the Leicestershire Highway Design Guide on Development and Public Rights of Way at: <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/public-rights-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 (December 2024).

Informatics

- 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. 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).
- All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>.
- 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.
- 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.
- 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.
- 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 at least 12 weeks before the temporary diversion is required.
- Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- 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 **Case Officer**
10 November 2025 **Emma Peacock**

Reviewer
BD

Date issued
28 November 2025