

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: 25/01013/FUL

Highway Reference Number: 2025/1013/04/H

Application Address: Land North Barton Road Barlestone Leicestershire

Application Type: Full

Description of Application: Erection of 28 dwellings (Phase 2 of 21/00096/OUT)

GENERAL DETAILS

Planning Case Officer: Faizal Jasat

Applicant: Mr Liam Edwards

County Councillor: Market Bosworth ED - Joshua Melen CC

Parish: Osbaston

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) have been consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a full application for the erection of 28 dwellings (Phase 2 of 21/00096/OUT) at land north of Barton Road, Barlestone.

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

- Transport Statement Addendum dated 25th May 2021 and authored by ADC Infrastructure
- MyPad drawing number 22020.PH2.001 Rev. B (Planning Layout)
- Drawing number 22025-70-025 Rev. P0 (Surface Treatments)
- Drawing number 22025-70-026 Rev. P0 (Boundary Treatment Plan)

The LHA understand the proposals would be a second phase of development, continuing from the 55 dwellings approved as part of application reference 21/00096/OUT.

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.

Given the scale of development proposed, based on [Table 1](#) of the LHDG, a Transport Statement (TS) is not required, furthermore, the TS does not appear to refer to the development proposed and instead refers to the previously approved development.

Site Access

Access to the site is proposed via a continuation of the development spine road approved as part of application reference 21/00096/OUT with a 5.50m wide carriageway and 2.0m footways on either side as shown on Mypad drawing number 22020.PH2.001 Rev. B. This connects to Barton Road, a C classified road subject to a 40mph speed limit through the approved development which is under construction. ADC drawing number: ADC1996-DR-001 Rev P4 included within the TS provides details of the site access on to Barton Road. This includes an access width of 5.50 metres, a 6 metre kerbed radii and a 2m wide footway to the western side of the access connecting to existing footway provisions along Barton Road. The LHA is aware construction of that access is largely complete.

The LHA are satisfied the access arrangements are designed in accordance with [Table 3](#) and [Table 9](#) of the LHDG and that the approved access arrangements would be safe and suitable to cater for the additional 28 dwellings proposed.

Highway Safety

Based on available records to the LHA, one Personal Injury Collision (PIC) has occurred on Barton Road between the Barton Road/ A447 Hinckley Road/ Lount Road junction and 500m east of the site access. This was recorded as slight, occurred in November 2024 and involved a vehicle and two parked vehicles.

The LHA considers the single PIC to be an isolated incident and does not demonstrate a pattern or trend in PIC's which could be exacerbated because of the proposed development.

Trip Generation

Given the scale of the development proposed, the LHA does not require a detailed analysis of the anticipated trip generation.

Off-Site Implications

A pedestrian footway connecting the approved development access to existing footway provisions on Barton Road has been largely completed by the developer of that site.

Internal Layout

The Applicant has stated on the submitted application form that it is intended for the internal spine road to be adopted.

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 LHDG.

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.

Adoptability of a site is not a material planning consideration. The LHA advises there are no material planning considerations, which would be required to be addressed pre-determination of this application, irrespective of adoptability. Adoptability comments, which the Applicant may choose to address during the planning process to work towards a layout that meets the requirements for a S38 application have been provided below.

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>.

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:

- The raised table ramp within the orange hatched area (along the planting between the two fields) is not required as the first junction internally is already a raised table. This should be removed by the Applicant.
- The speed control measures detailed within the road layout should be adjusted so the maximum distance between measures, junctions or 90-degree bends is approx. either 60m or 40m depending on the design speed/type of road. 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. Further information is available within [Figure 31](#) of the LHDG.
- There is no benefit in the Junction outside Plot 19 being present within the design. As such, the junction should be removed, this made into a bend, and the private drive serving plots 19-23 can be extended to suit.
- A forward visibility splay is required, and the areas within the splay should be conveyed as highway outside Plot 11, in accordance with [Figure 8](#) of the LHDG. A 17m splay may be acceptable if the traffic calming measures around the bend are ~40m, in line with a 15mph design speed.
- [Swept path analysis](#) of a refuse collection vehicle should also be provided throughout the site.

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:

- Tactile paved uncontrolled pedestrian crossings should be provided and shown at junctions/where appropriate. e.g. prior to footway narrowing to a 1m service margin.
- It is noted that the carry distance for some householders on private drives (e.g. Plot 1) exceeds the ideal maximum of 30m (The Building Regulations 2010, Drainage and Waste disposal Approved Document H, Para 1.8, Page 54).
- The tree species will need to be agreed, to ensure a clear stem height, as to not impede on highway users' visibility. This will be checked further and approved at the S38 stage.

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.
- No consideration has been made of the suitability of parking facilities (availability, location, physical attributes, etc.), private drives, pedestrian visibility etc.
- At this stage it is not possible to comment on the vertical alignment, drainage, materials or proposed construction details.

Further to the above, the LHA advise that in the event the internal development roads for the approved development under construction are not adopted by Leicestershire County Council, the internal roads for this development will not be considered for adoption in the event the proposals are granted planning permission. This would be regardless of whether or not they have been designed to an adoptable standard.

Parking Provision

The LHA has reviewed the parking provision within the site and advises the number and dimensions of parking spaces for each plot are in accordance with the [off-street residential parking standards](#) detailed within the LHDG.

1x1m pedestrian visibility splays will be required at each point where a private drive or shared private drive meets the adopted highway and should be detailed on the drawing.

Transport Sustainability

The site is in close walking distances to bus stops with services between Leicester – Market Bosworth. Barlestone Primary School is within an approximate 600 metre walk from the extents of the site and the centre of the village is an approximate 900 metre walk.

In order to encourage sustainable travel to/ from the site, the LHA will require the Applicant to provide a travel pack (currently £52.85 per pack if supplied by LCC or a £500 fee to review a pack provided by the Applicant) and an application form 2 x 6 month bus passes (currently £605 for an

Arriva bus service) per dwelling as part of any future Section 106 agreement.

Construction Traffic

Whilst construction of the development is not a material planning consideration, the LHA advise that a Construction Traffic Management Plan will be required as a condition. No such document has been submitted as part of this application; however it is likely that a similar document to that which was approved as part of application reference 21/00096/OUT would be considered acceptable to the LHA.

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.

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.

2. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Mypad drawing number 22020.PH2.001 Rev. B 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).

3. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Mypad drawing number 22020.PH2.001 Rev. B. 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).

4. 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).

5. 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).

6. 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).

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. 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).
- 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
31 October 2025

Case Officer
Ben Dutton

Reviewer
DH

Date issued
16 January 2026