

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/R1

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: Hinckley and Bosworth Borough Council

Applicant: Mr Richard Henderson

County Councillor: Cllr Charles Whitford

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 an application for reserved matters (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 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:

- Davidsons drawing number XXXX_100 Rev. P01 (Planning Layout dated 17th April 2025).

It should be noted that since the LHA previously commented on the proposals, the Leicestershire Highway Design Guide (LHDG) has been fully updated, this is available at <https://www.leicestershirehighwaydesignguide.uk/>. Notwithstanding this, the updated guide does not alter previous advice given by the LHA, or the substantive response that the application was acceptable subject to conditions.

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 P01, 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 key on the plan now indicates which roads are being proposed for adoption.
- The link Street 02 and Street 03 will not be accepted for adoption, and resolution of the other items detailed below, without change to this feature, will not bring the site to an adoptable layout.
- Road widths are shown and appear to be in accordance with LHDG minimum or augmented standards for Residential Access Roads serving up to 150 dwellings from a single point of access.
- Footway provision of 2m has now been shown, largely adjacent to the carriageway and at all times present on both sides where properties are served. A minimum 1m hard surfaced service margin may be acceptable where no frontages served, for example at the end of turning heads. The applicant appears to have shown a 1.2m wide margin, although further dimensions would be required to confirm this.
- 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.
- Private drives that link two roads offered for adoption will not be accepted and will result in a site not being considered suitable for inclusion in a S38 agreement.

Speed control measures

- The roads proposed will need to have adequate speed control features so that they conform to the LHDG, junction tables should be designed in accordance with the LHDG and plateau length above the minimum required.

- Currently, speed control is not in accordance with 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.

Bend Widening

- The applicant should 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.

Radii

- Bends, turning heads and long private drives should be tracked with the appropriate Local Authority refuse vehicle specification, Fire Tender and Pantechon and checked to be in accordance with the LHDG.

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.
- Forward visibility on all bends has been added to the drawing but no dimensions are shown. The Applicant should note that forward visibility for residential roads is 25m.
- Visibility at junctions has not been shown but is not of concern.

Footpath Link

- Whilst welcomed, a footpath link to the adjacent development to the north would not be considered for adoption.

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 will be subject to a commuted sum.
- It should be noted that the highway authority will not adopt green open spaces save those required for the safe function of the highway (e.g. visibility splays or embankments).

Agricultural use

- Clarification is required regarding the agricultural vehicle type(s) to use the access, as well as the frequency of use, as this may affect the carriageway construction depths and widths. Appropriate agricultural vehicle should be tracked through the relevant section of the development as the presence of parked vehicles will inhibit its ability to negotiate the residential street design.
- In light of the potential agricultural use, a strengthened footway construction would be required wherever agricultural vehicles are expected to pass.

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 Leicestershire Highways Design Guide. 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 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 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 LHA has reviewed the parking provision within the site and can advise that garages SG1, SG3 and SG10 are not in accordance with the [garages and gated accesses](#) section of the LHDG. These garages therefore cannot be counted towards usable parking spaces. Nevertheless, the LHA accepts there are an appropriate number of parking spaces for each plot, without the need for the garages to be included. The LHA would therefore not require the size of the garages to be increased.

The LHA notes that no parking provision has been shown for Plot 32 (one bed dwelling) and that there is only one parking space for each of the remaining one bed dwellings (Plots 27 to 31). The Applicant should seek to provide additional parking for Plot 32 and look to provide [residential visitor parking](#) in the area.

There are also several plots where the width of the driveways is below the 5.8m required within the LHDG. Notably, plots 18, 87, 97, 104 and 118.

1x1m pedestrian visibility splays are now shown where private drives and shared private drives meet the adopted highway, which is welcomed by the LHA.

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. P01. 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).

Informatives

- 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
22 April 2025

Case Officer
Ben Dutton

Reviewer
DH

Date issued
15 May 2025