

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/R4

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: 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, 15th May 2025 and 13th June 2025 that it had no objection to the proposals subject to conditions, however the internal development roads were not considered to be designed to an adoptable standard. Comments were provided as to what amendments were required to the site layout for the roads to be considered for adoption.

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

- Roads and Refuse Statement received by the LPA on 14th July 2025;
- Davidsons drawing number XXXX_100 Rev. P05 (Planning Layout);
- Davidsons drawing number XXXX_200 Rev P04 (Materials Layout / Boundary Treatment); and
- Davidsons drawing number 089-ENG-1251 Rev. B (Swept Path Analysis – Refuse Vehicle).

Internal Layout

The submitted Roads and Refuse Statement clearly details that the intention of the Applicant is for the internal roads to remain as a private scheme (maintained by a Management Company) as opposed to be putting forward for adoption by Leicestershire County Council. The Management Company would also maintain the Open Spaces. It is stated the roads would be public, however not maintained at the public expense.

Adoptability of a road is not a material planning consideration and the LHA do not believe the proposed layout is fundamentally unsafe. Whilst adoption of the internal development roads is always strongly advised by the LHA, it is not a requirement.

For both the LPA and the Applicants information, notwithstanding the above, the LHA has still reviewed Davidsons drawing number XXXX_100 Rev. P05, as well as the other drawings listed further above. The LHA can confirm that the proposed road layout does not conform to an acceptable standard for adoption in accordance with the [Leicestershire Highway Design Guide](#) (LHDG) and therefore it will not be considered for adoption and future maintenance by the LHA. The LHA will, however, serve Advance Payment Codes in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980 as per the informative further below.

Comments on the site layout and adoptability are as follows for information:

Material Planning Considerations

The LHA advise these amendments would not be possible at detailed Section 38 design stage because alterations to road geometry and bend radii would necessitate the moving of both building plots and affect the dimensions of driveways. Therefore, this could be a material planning consideration for the LPA and may require the Applicant to undertake the amendments at this stage, prior to determination of the application to achieve an adoptable road layout. To make the requirements post-determination, the applicant is advised that this would likely require the submission of a Non-Material Amendment or a S73 Variation of Condition application to the LPA.

- The proposed roads will need to have adequate speed control features so that they conform to the LHDG standards if offered for adoption, junction table 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 appear to be in accordance with LHDG, and speed control bends on Street 01 are not designed in accordance with [Figure 27](#).
- The Applicant is required to provide bend widening on all bends of 10 degrees or more, to conform to LHDG standards. Dimensions have been provided which indicate that bend

widening has not been applied. The layout would offer the possibility of bend widening, in order to bring this site to an adoptable standard, but needs to be applied at this stage in the planning process in order to allow for any plot or driveway alterations required.

- 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.

Adoptability comments

The LHA believe the following items could be resolved at the S38 stage following planning permission being granted, for which full compliance with the LHDG will be required.

- The Applicant states within the Roads and Refuse Statement that the roads are to remain private largely due to the flat gradient of the site. LCC have not been able to assess the gradients anticipated within the site, therefore are not able to comment on whether this would prevent adoption. The minimum longitudinal gradients required by LHDG (1:100 for bituminous roads and 1:80 for block paved surfaces) ensure water does not pool within the highway, and measures can be considered where gradients shallower than this are proposed, for example, channel blocks and combined kerb drainage systems.
- A Road Safety Audit of the site is advisable as the applicant has not adhered to the guidance within LHDG concerning road widths and speed control, therefore a design speed has not been demonstrated at the present time.
- 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 and Shared Drive 03/04.
- Bin collection points on shared private drives indicates that refuse vehicle is not now intended to drive full length of private drives split by bollards.
- 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 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.
- 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. No overrunning of kerbing will be permitted.

- A footpath link to the adjacent development to the North, whilst welcome and encouraged for permeability, would not be considered for adoption.
- Some drawings still detail a 4m wide Track off Shared Drive 04. The use of this would require clarification.
- Any tree species would 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).
- 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 if applicable.
- At this stage it is not possible to comment on the vertical alignment, drainage, materials or proposed construction details.
- At this stage 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 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 Leicestershire Highways Design Guide, at its junction with the adopted road carriageway.

Parking Provision and Shared Private Drives

The LHA has no further comments to make on these details at this time.

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. P05. 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
24 July 2025

Case Officer
Ben Dutton

Reviewer
DH

Date issued
04 September 2025