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 Growth, Environment & Transport.

APPLICATION DETAILS

Planning Application Number: 25/00199/FUL

Highway Reference Number: 2025/0199/04/H/R4

Application Address: Land Adjacent 232 Ashby Road Hinckley Leicestershire

Application Type: Full

Description of Application: Re-consultation. Erection of 25 dwellings, new access off Normandy Way, amenity space, parking and community orchard

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GENERAL DETAILS

Planning Case Officer: Emma Baumber

Applicant: C/O Agent

County Councillor: Cllr Michael Mullaney

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 the impacts of the development on road safety are unacceptable, contrary to the National Planning Policy Framework (2026), and the Local Planning Authority is advised to consider refusal on transport/highway grounds for the reasons outlined in this report.

Reason for advising refusal:

1. **The applicant has failed to demonstrate that the proposals would not have an unacceptable impact on highway safety contrary to Policy TR6 (4) of the National Planning Policy Framework (2026) and Highway Development Management Policy 2 of the Leicestershire Highway Design Guide.**

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been re-consulted by the Local Planning Authority (LPA), Hinckley and Bosworth Borough Council, on a full application for the erection of 25 dwellings, a new access off Normandy Way, amenity space, parking and a community orchard at land adjacent to 232 Ashby Road, Hinckley.

The LHA first advised that the application should be refused on 4th July 2025, on the grounds that the Applicant had failed demonstrate any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated, contrary to

Policy 2 of the Leicestershire Highway Design Guide and paragraphs 115 and 116 of the National Planning Policy Framework (NPPF - 2024).

The Applicant subsequently submitted revised information in response. However the LHA again advised refusal on 7th May 2026 on the following grounds.

1. *The Applicant has failed to demonstrate that safe and suitable access for all users would be provided to the proposed development contrary to Policy 2 of the Leicestershire Highway Design Guide and Paragraph 115 of the National Planning Policy Framework (NPPF) (2024).*

2. *The proposals submitted by the Applicant are prejudicial to the delivery of a highway improvement scheme at the A47 Normandy Way/ A447 Ashby Road/ B4667 Ashby Road signalised junction. The Applicant has therefore failed to demonstrate any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated, contrary to Policy 2 of the Leicestershire Highway Design Guide and paragraph 116 of the National Planning Policy Framework (2024).*

The Applicant subsequently submitted revised access proposals. Initially the revised access design was shown on the following drawing:

- MEC drawing number 29480_08_020_04 (Potential Access Design).

Following discussions with the LHA and LPA, the Applicant subsequently chose to amend the proposals and submitted the following further documents for consideration:

- MEC drawing number 29480_08_020_04 Revision B.
- Stage 1 Road Safety Audit (RSA1) Reference 29480-TRAN-0803 Rev A.

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.

Site Access

MEC drawing number 29480_08_020_04
The LHA previously raised concerns with the Applicants site access design within the 4th July 2025 and 7th May 2026 observations. One of the concerns related to the proposed merge length of 75m for eastbound traffic exiting the A47 Normandy Way/ A447 Ashby Road/ B4667 Ashby Road signalised junction. Design Manual for Roads and Bridges (DMRB) CD123, para. 7.12.1 recommends that where it is necessary to reduce the number of lanes on the exit arm, a single lane should be reduced over a distance of 100m starting at or beyond the limit of the junction intervisibility zone. Furthermore, Leicestershire County Council is working on a scheme to improve the signalised junction's capacity, therefore a reduction in the merge length below 100m was of concern.

The Applicant subsequently submitted MEC drawing number 29480_08_020_04 with a view to maintaining the 100m merge length on the A47. The LHA subsequently met with the Applicant at their request, along with the LPA, on 10th July 2026 to discuss the revised drawing.

Whilst the LHA accepted that the proposals maintained a 100m merge length, notwithstanding the absence of an RSA1 and Designer's Response to any problems raised, a number of concerns were raised by the LHA. These concerns included:

- The absence of swept path analysis showing that vehicles could enter the development whilst a vehicle was waiting to exit. Swept path analysis of a refuse collection vehicle was also required, particularly given the right turn out of the development appeared more difficult with the proposed traffic islands.

- Whether there would be sufficient width for vehicles turning right out of the development to wait within the central reserve area, or would it be obvious to vehicles that there is insufficient width for them to do so.

- It still appeared possible for vehicles to potentially turn right into the development using the gap provided despite this manoeuvre not being permitted. Swept path analysis was required to show that the movement would not be possible. It was also advised that the LHA considered there was a considerable danger that vehicles will perform a U-turn around the proposed island to turn right into the development.

- The Applicant's intention was for vehicles wishing to enter the development from the east to perform a U-turn at the signalised crossroads. Whilst there are currently no Traffic Regulation Orders (TROs) preventing such a manoeuvre, the LHA raised significant concern with the likelihood of such manoeuvres occurring given the volume of traffic using the junction and the number of Personal Injury Collisions (PICs) which have occurred at the junction. The LHA consider that currently, the likelihood of such manoeuvres occurring is low, given the A47 Normandy Way/ A47 Leicester Road/ The Common/ B4668 Leicester Road roundabout to the east of the junction providing a suitable U-turn opportunity and the absence of any substantial development or junctions along Normandy Way (A47) between that and the signalised junction.

Following the meeting, the Applicant considered the LHA's comments made at the meeting and revised the access proposals.

<u>MEC drawing number 29480_08_020_04 Rev. B</u>
The Applicant has subsequently submitted MEC drawing number 29480_08_020_04 Rev. B with a view to resolving the concerns raised by the LHA at the meeting.

The revised drawing details a ghost right turn lane at the site access to allow vehicles approaching from the east to enter. The access design has been subject to an independent RSA1 and a Designer's Response has been provided to the four problems raised.

The proposals maintain a 100m merge length from the signalised junction which is welcomed by the LHA. The LHA is also satisfied that appropriate visibility can be provided at the access.

The Applicant has accepted problems two to four which were raised within the RSA1. These relate to amendments to the junction radii and a refuge at the site access, as well as further swept path analysis. MEC drawing number 29480_08_020_04 Rev. D details the revised access design which takes on board these recommendations of the RSA1. Whilst the LHA is generally satisfied with the Designer's Response for problems 2 and 3, a wider access is considered necessary at the access as detailed further below. The LHA accepts the Designer's Response for problem 4.

The first problem raised within the RSA1 refers to the design of the proposed ghost right turn lane, which includes a deceleration length of 15m, which is below the minimum standard deceleration length shown within DMRB CD123. The RSA1 states this is likely to result in right turners slowing significantly within the westbound lane, risking shunt type collisions either on the approach or potentially within the right turn facility. The RSA1 recommends a deceleration lane is provided in line with the design standards.

The Applicant has responded that it is not feasible to provide a right-turn deceleration lane of the length recommended by the Audit Team whilst maintaining both the 100m eastbound merge length from the A47 Normandy Way/ A447 Ashby Road/ B4667 Ashby Road signalised junction and the existing right-turn lane serving Cornwall Way. The Applicant continues that given the level of right turning trips forecast during both the AM and PM peaks, there could be one right turning vehicle on average every nine minutes. It is also stated vehicles are currently required to undertake this manoeuvre without the benefit of a dedicated right turn facility. For this reason, the Applicant believes the proposed arrangement would provide a benefit over the existing situation whilst increasing the deceleration length currently available for these manoeuvres. The Applicant therefore believes that on balance, the proposed arrangement represents the best practicable solution within the identified highway constraints.

However, the LHA advise that based on the 85th percentile speeds of passing traffic (41.5mph eastbound and 40.3mph westbound) and using Table 5.22 and Figure 6.3a of DMRB CD123, the ghost right turn lane would require a deceleration lane of 40m long (currently proposed at 15m) and a waiting area of 10m (currently proposed at 7m, contrary to Para. 6.4 DMRB CD123). Regrettably, this is not achievable within the existing highway constraints given this would either require the reduction in length of the existing design compliant ghost right turn lane to Cornwall Way and / or a reduction in the 100m merge length for eastbound traffic exiting the Ashby Road signalised junction. The LHA agrees with Problem 1 of the RSA1 that the proposals could result in right turners slowing significantly within the westbound lane, risking shunt type collisions either on the approach to or potentially within the right turn facility.

Whilst the Applicant states that the proposals provide an improvement over the existing situation, the LHA considers that there would currently only be limited use of the existing allotment access, given there appears to be no car park within the site. Users of the allotments could also park on-street along Cornwall Way and access the site on foot. The LHA therefore considers that less vehicles use the existing access than would use the proposed access and therefore the proposed access would need to meet appropriate design standards and be safe. It is unfortunate in this case that this does not appear to be possible.

The LHA has previously advised Normandy Way (A47) provides a key strategic link between Leicester and the A5 (Hinckley) and forms part of the Department for Transports Major Road Network[1] (MRN) and Leicestershire County Council's (LCC's) Resilient Network[2]. Ashby Road (A447/ B4667) also forms part of the Resilient Network. Highway Development Management (HDM) **Policy 2** of the LHDG should therefore be considered.

Given the recorded speeds of passing traffic and the location of the site access on Normandy Way (A47), which is a highly trafficked road with a total of approximately 27,750 vehicle trips through the junction with Ashby Road (A447/ B4667) between 07:00 – 19:00, and forming part of both the

[1] https://maps.dft.gov.uk/major-road-network/index.html
[2] https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/the-resilient-network

Major Road and Resilient Networks, as well as the number of Personal Injury Collisions (PIC's) in the vicinity of the access, the LHA considers the policy is relevant to the proposals. This section of Normandy Way (A47), carries approximately 13,500 two-way trips between 07:00 – 19:00.

Policy 2 states that, '*The council will advise refusal of any planning application that raises severe concerns regarding road safety*'. Therefore, given the above and the fact the LHA believe a safe access cannot be achieved to serve the site, when applying a risk-based approach, it also advises refusal on the basis the access would be contrary to HDM Policy 2 of the LHDG.

Notwithstanding the above, the LHA advises the following additional points in respect of the drawing:

- The existing kerblines and road markings do not show up on the drawing and it would have been beneficial for these to be shown. The line thicknesses are also very thick, making it difficult to determine whether the vehicle used for swept path analysis is overrunning the kerbline.

- Nevertheless, the swept paths show that it is not possible for the refuse vehicle to enter the development without using the opposite side of the access road carriageway. This could result in collisions with oncoming vehicles, and / or congestion on the A47 if vehicles turning into the development have to wait for the junction to become clear.

- The swept paths also show that when the refuse vehicle is waiting at the give way line to turn right out of the junction, it uses the opposite of the carriageway to do so which could make it difficult for vehicles wishing to turn right into the development.

- Two separate swept paths are shown for a refuse vehicle pulling into the right turn lane, and for a refuse vehicle turning right into the development. These should be shown as one complete manoeuvre as there are concerns that at the end of the first manoeuvre, the vehicles wheels are pointing slightly left, but for the right turn manoeuvre they are pointing right.

- Swept paths are shown for an estate car turning left into the development with a vehicle waiting at the give way junction. The applicant should also show a vehicle turning right into the development when a vehicle is waiting at the give way line.

Given the above points, the swept path analysis suggests that a wider carriageway width is required at the access. The LHA has also previously suggested a wider access width would be accepted given the location. Notwithstanding this, the LHA believe a wider access could be achieved and this matter does not therefore inform part of the reason for refusal.

Highway Safety

The LHA are not aware of any additional Personal Injury Collisions (PIC's) occurring at the junction since the previous observations were issued on 7th May 2026. Currently records are held up to late August 2026.

As advised previously, the Applicant obtained PIC data from LCC for between 1st January 2019 and 14th December 2024. This indicated the following:

- 9 No. ‘slight’, 2 No. ‘serious’ and 1 No. ‘fatal’ severity-class PICs were recorded within the vicinity of the site. This included 10 No. collisions at the A47 Normandy Way/ A447 Ashby Road/ B4667 Ashby Road signalised junction;

- Regrettably, the fatal collision occurred on the Normandy Way (A47) westbound approach to the junction and involved three vehicles.

- Of the remaining 9 No. collisions which occurred at the A47 Normandy Way/ A447 Ashby Road/ B4667 Ashby Road signalised junction, 6 No. (all ‘slight’ in severity) involved vehicles in the act of a right turn manoeuvre, one of which occurred before 2020.

- The remaining 3 No. collisions at this junction do not appear to follow a trend.

- The additional PIC occurred at the A47 Normandy Way/ Cornwall Way junction and was recorded as slight. This involved four vehicles, one of which was turning right and occurred in January 2020.

During the course of the application, the LHA has become aware of three additional PIC’s which have been recorded, two of which were recorded as slight and one serious. One slight PIC involved a turning manoeuvre, whilst one involved a vehicle failing to stop and an HGV. The serious PIC involved a turning manoeuvre and a motorcycle.

As advised previously, the data shows a high volume of PICs at the A47 Normandy Way/ A447 Ashby Road/ B4667 Ashby Road signalised junction, highlighting the high level of traffic which travels through.

Trip Generation/ Junction Capacity Assessments

The LHA has previously advised that whilst the Applicant’s proposed trip rates trip rates were considered to be low, it was accepted that even if they were raised to match trip rates accepted by the LHA for other nearby residential developments, the scale of development would not generate in as much as 30 two-way trips in either peak hour. Therefore, the LHA advised neither a trip distribution exercise nor a capacity assessment of the site access was necessary.

It was also advised that the Applicant has not provided trip rates for the existing allotment use, however the LHA believes the number of vehicle trips generated by the allotments, is likely to be lower than those for residential use. Furthermore, given there is no car park within the allotment site and the gated access into the site appears to not have been used for some time, the LHA believe it is possible some users who drive to the site would likely park on Cornwall Way and then access the site on foot.

Internal Layout

MEC drawing number 29480_08_020_04 Rev. D continues to show the proposed footway link set back a considerable distance from the carriageway and this would be unlikely to be adopted by LCC. The LHA has previously advised that to avoid isolated and unadopted footways being provided within the site, it would accept a footway alongside the edge of Normandy Way (A47) leading to/ from the existing footway to the west and the proposed central refuge to the east of the proposed access. Whilst this has not been detailed, the LHA would not resist the proposals on the grounds of the isolated footway.

Whilst adoptability of the internal development roads is not a material planning consideration, the

LHA previously reviewed BRP Architects drawing number M170-BRP-00-00-DR-A-0102 Rev. P02. The LHA advised in observations dated 4th July 2025 that the internal road was not suitable for adoption and several amendments would be required at this stage to ensure an adoptable layout could be achieved. Without the amendments, it is likely the Applicant may need to amend plot locations to develop an adoptable layout, which could require a S73 application.

The Applicant has not submitted a revised drawing and it is also noted that the drawing reflects previous access proposals where the access was situated further to the west. Nevertheless, the LHA is satisfied that the access could be relocated on the drawing to incorporate the new location further east. The LHA advises the number of parking spaces per plot and the dimensions of each parking space are in accordance with the LHAs **off-street residential car parking standards** and **design principles for off-street parking** guidance within the LHDG.

Transport Sustainability

As advised previously, the site is an approximate 360m walk to bus stops served by regular bus services between Nuneaton and Leicester and a 700m walk to the nearest primary school.

Whilst the LHA have advised refusal of the proposals, the site would be of a scale where, if granted planning permission, the LHA would seek to secure one travel pack per dwelling (currently £52.85 per pack, if supplied by LCC) which contains an application form for two six-month bus passes to encourage sustainable travel to and from the site. Currently, the cost of a bus pass for an Arriva service is £632.50, which would also be required to be funded by the Applicant (up to two pe dwelling), per pass. The Applicant should be aware that should they choose to create their own Travel Pack; there is a fee of £500.00 to be paid to LCC to review the packs prior to distribution.

Closing

The LHA consider that given the design of the proposed ghost right turn lane is below the requirements set out within DMRB CD123, which is also raised in the Applicants RSA1, that the proposed access arrangements could be a danger to highway safety on a highly trafficked, A classified road. Furthermore, given the need to maintain a 100m merge length to the west of the access and the existing design complaint ghost right turn lane to the east of the access, as well as the access options already considered as part of this application, there appears to be no safe alternative access options available. On this basis, the LHA advises the proposals would have an unacceptable impact on highway safety, contrary to both Policy TR6(4) of the NPPF (2026) and HDM Policy 2 of the LHDG. .

Date Received	Case Officer	Reviewer	Date issued
29 September 2026	Ben Dutton	AW	11 November 2026