

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: 26/00188/REM

Highway Reference Number: 2026/0188/04/H

Application Address: Land East Of Kennel Lane Witherley Leicestershire

Application Type: Reserved Matters

Description of Application: Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 22/01190/OUT for residential development of up to 50 residential dwellings

GENERAL DETAILS

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: C/O Agent

County Councillor: Market Bosworth ED - Joshua Melen CC

Parish: Witherley

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 consulted by the Local Planning Authority (LPA), Hinckley and Bosworth Borough Council, on a reserved matters application on Land East Of Kennel Lane Witherley Leicestershire. This application is for the '*Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 22/01190/OUT for residential development of up to 50 residential dwellings*'.

The LHA acknowledges the relevant planning history at the site which is noted below:

- 22/01190/OUT | Outline planning application for up to 50 residential dwellinghouses with access | Land East Of Kennel Lane Witherley Leicestershire. Approved 25 February 2025.

In support of this application the Applicant has submitted the following relevant document:

- White Ridge – Proposed Colour Site Layout. Drawing Number 2393-03-01 Revision B.
- White Ridge – Parking Strategy Plan, Drawing Number 2393-09.
- White Ridge – Refuse Strategy Plan. Drawing Number 2393-10.
- PDP Associates – Detailed Landscape Proposals Sheet 1 of 2. Drawing Number c-2382-01 Revision A.
- PDP Associates – Detailed Landscape Proposals Sheet 2 of 2. Drawing Number c-2382-02 Revision A.
- White Ridge – Access and Movement Plan. Drawing Number 2393-16.
- White Ridge – Enclosure Plan. Drawing Number 2393-15 Revision A.

Internal Layout

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

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.

In order to aid the design process, the LHA have reviewed the following submitted drawing(s):

- Drawing 2393-03-01 Revision B.

Adoptability of a site is not a material planning consideration. The comments below are therefore separated into 'material planning considerations', which are required to be addressed pre-determination of this application, irrespective of adoptability, and 'adoptability' comments, which the Applicant may choose to address during the planning process in order to work towards a layout that meets the requirements for a S38 application.

Material Planning Considerations

Whilst the LHA considers that the internal layout does not accord with the LHDG and therefore the site is not suitable for adoption, the LHA would not seek to resist the application on this basis as it is not material. The Applicant should however give consideration to the implications of a site remaining in private ownership. Further information 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:

- Bend widening as per [Table 7](#) of the LHDG should be provided.

- Forward visibility and junction visibility of 25m should be demonstrated, as per [Table 6](#) of the LHDG. These splays should be entirely contained within the proposed highway boundary.
- The footway outside the bend at plot 44 should be re-aligned to the kerb line and the verge area swapped in its position to fall within the forward visibility splay if more than 10m2.
- A number of plots have private parking bays located remotely from the front door access points. This type of parking arrangement has been shown to lead to inconsiderate parking at junctions and on footways. The layout should be amended to address this issue.
- The tuning head arm length fronting plots 17/21 and 33 are excessive in length. These should be reduced to comply with [Figure 12](#) of the LHDG. The turning head for plot 18 and 21 is also not designed in accordance with LHDG, and will need to be amended.
- A tracking plan to detail junctions, bends and turning heads should be provided for a 11.2m refuse vehicle.
- Private drive measurements should align with [Table 13](#) of the LHDG. Private drives for plots 1-3, 19-21 and 46-50 should therefore be amended.
- Pedestrian visibility splays should be provided at each driveway edge to ensure suitable visibility. These should be kept free from obstruction over 0.6m as per [Figure 17](#) of the LHDG.
- The LHA notes from the submitted landscaping proposals that landscaping is proposed adjacent to a number of private accesses which would obstruct visibility, for example adjacent to Plot 15.

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:

- The location of tactile dropped crossing points to be installed on site should be shown on a plan.
- Turning head radii should be demonstrated in line with [Figure 12](#) of the LHDG.
- Junction radii should be demonstrated in line with [Figure 9](#) of the LHDG.
- The proposed layout shows 2 x 1m service margins. The LHA no longer accept 1m bituminous service margins and require these areas to be amended to show 2m bituminous topped service margins or 1m grass margins.

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.
- At this stage it is not possible to comment on the vertical alignment, drainage, materials or proposed construction details.

Parking

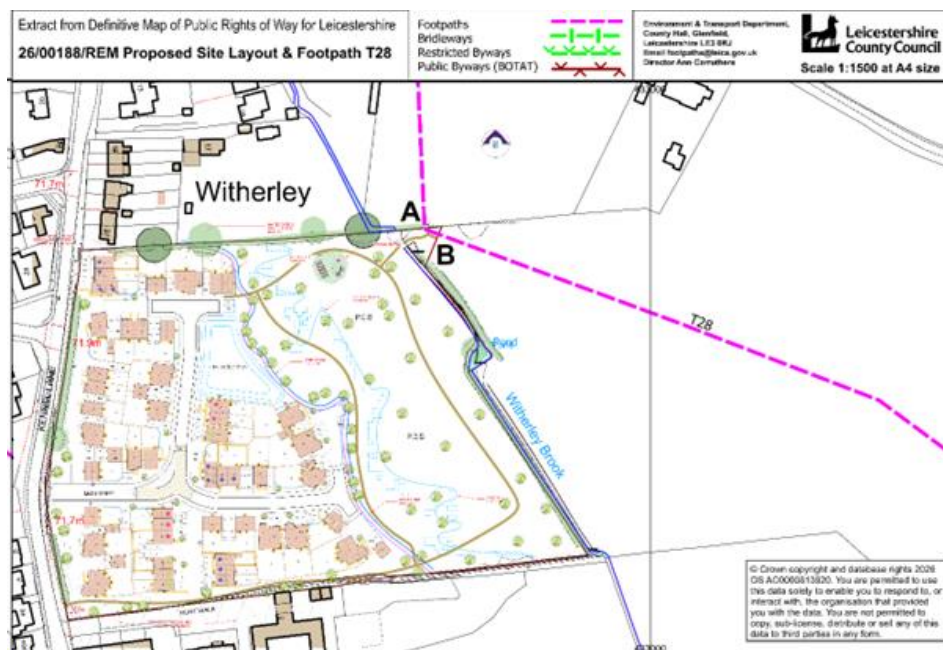
The LHA have reviewed drawing 2393-03 Revision F (Proposed Site Layout) and note the following points to be addressed in order for parking to be in accordance with the LHDG.

- Parking measurements should align with [Figure 44](#) of the LHDG. Spaces are required to be a minimum size of 2.4m x 5.5m, with an additional 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. Parking for plots 2, 4, 5, 8, 9, 10, 11, 12, 17, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37 and 45 should therefore be amended.
- In order for garages to be counted toward parking provision they must have the minimum dimensions outlined within the [LHDG](#). The garages for plots 1 and 18 should therefore be amended.
- As per [Table 28](#) of the LHDG, dwellings with up to three bedrooms are required to have two parking spaces, parking for plots 25, 26, 36 and 37 should therefore be amended.

Although the parking is not in full accordance with the LHDG, with some spaces being 5m in length and some spaces not allowing for extra width when bound to the side, alongside a shortfall on 4 parking spaces, should the site remain in private ownership, this would be acceptable as it would not be expected to be contrary to paragraph 116 of the NPPF (2024). However, parking will be required to be provided to LHDG standards should the applicant wish to put the site forward for adoption.

Public Right of Way (PRoW)

As noted under 22/01190/OUT Public Footpath T28, (shown by the Proposed Site Layout overlaid with the Definitive Map of public rights of way below), runs to the northeast of the site.



The LHA welcome the proposed site connection to the Public Footpath. The Applicant is advised to note guidance within the [LHDG](#) for the treatment of the PRoW for information.

Closing

The Applicant may wish to address the above adoptability and parking comments in order to avoid a future S73 application should the Applicant wish for the site to be suitable for adoption.

Notwithstanding this, if the site were to be made private the LHA ascertain that the development as proposed would not impact the public highway and would therefore be acceptable subject to the following conditions.

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 Proposed Colour Site Layout drawing number 2393-03-01 Revision B. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) 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).

2. Notwithstanding the submitted drawings, 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 each 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).

3. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 15 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)

Informative

- 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.

Date Received
10 March 2026

Case Officer
Amy Stone

Reviewer
RD

Date issued
31 March 2026