

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: 26/00187/REM

Highway Reference Number: 2026/0187/04/H

Application Address: Land East Of The Common Barwell Leicestershire

Application Type: Reserved Matters

Description of Application: Approval of reserved matters for 90 dwellings (appearance, landscaping, layout and scale) of outline planning permission 23/01229/OUT for residential development of up to 95 dwellings

GENERAL DETAILS

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Helen Bareford

County Councillor: Mallory ED - Mark Bools CC

Parish: Barwell

Road Classification: Adopted Unclassified

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 The Common Barwell Leicestershire. This application is for the:

‘Approval of reserved matters for 90 dwellings (appearance, landscaping, layout and scale) of outline planning permission 23/01229/OUT for residential development of up to 95 dwellings’

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

- 23/01229/OUT | Outline Planning application for up to 95 dwellings with associated access, open space and landscaping following demolition of all buildings on site | Land East Of The Common Barwell Leicestershire. Permitted on appeal 13 March 2025.

- 26/00208/DISCON | Application to discharge C12 (waste management plan) C14 (materials) C19 (construction traffic management plan) C20 (arboricultural method statement) C21 (ground levels and finished floor levels) C22 (noise mitigation) C25 (housing mix) C26 (scheme of hard & soft landscaping) C27 (landscape management plan) C31 (sustainability commitments) on Appeal Decision APP/K2420/W/17/3188948 relating to planning application 23/01229/OUT | Land East Of The Common Barwell Leicestershire. Pending consideration.

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

- RCA Design - Planning Layout. Drawing Number HA955/001/01 Rev. P.
- David Wilson Homes – Vehicle_Tracking. Drawing Number HA955-322-02 Rev. C.
- David Wilson Homes – Vehicle_Tracking. Drawing Number HA955-322-01 Rev. D.
- Stephen Daykin Consulting Ltd - Vis_Splay Drawing Number HA955/323/01 Rev. A.
- Stephen Daykin Consulting Ltd - Vis_Splay. Drawing Number HA955/323/02 Rev. A.
- RCA Design – Traffic Management Plan. Drawing Number HA955/051/01.
- RCA Design – Bin Storage & Refuse Plan. Drawing Number HA955/006/01.

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 Number HA955/001/01 Rev. P.
- Drawing Number HA955-322-02 Rev. C.
- Drawing Number HA955-322-01 Rev. D.
- Drawing Number HA955/323/01 Rev. A.
- Drawing Number HA955/323/02 Rev. A.
- Drawing Number HA955/051/01.
- Drawing Number HA955/006/01.

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.

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> .

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:

- The maximum distance between speed control measures, junctions or 90-degree bends should be approximately 60m. As per [Table 20](#) of the LHDG.
- Bend widening should be implemented at the bend(s) in line with [Table 7](#) of the LHDG.
- Given the existing shared footway / cycleway facility and the off-site highway works/access arrangements conditioned under 23/01229/OUT, alongside the length and layout of the proposed layout, the Applicant should consider construction of an off-carriageway cycle solution. Whilst not usually compliant with the LHDG and LTN 1/20, consideration would be given to a shared footway cycleway. Management of a crossing to serve the cycleway should be included within the design.
- The shared drive serving plots 48 - 55 should not link between the two proposed roads, and the shared drive split. Collapsible bollards which enable emergency service access through the drives will be accepted.
- The two side roads have a carriageway width of 5.5m. This is not in line with [Table 3](#) of the LHDG for the number of plots proposed.
- 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 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 minimum plateau length of vertical speed control measures should be 8m, and the ramps should not conflict with the access drives of the dwellings. As per [Figure 31](#) of the LHDG.
- A 1m wide soft verge margin should be provided on the east side of the carriageway, and this should be free of bollards, and being part of the swale.
- Any grass verge areas should be a minimum of 10m² in area.

- Adoption of the swales proposed is not something Leicestershire County Council are currently able to permit. Presence of the swales are acceptable, but these would need to be constructed outside of the proposed highway extents.
- Any isolated and/or interconnecting footpaths would not typically be considered for adoption. If they were to be offered for adoption, they may incur an additional commuted sum.
- Tactile paved uncontrolled pedestrian crossings should be provided and shown at junctions/where appropriate.

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.
- 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.
- At this stage it is not possible to comment on the vertical alignment, drainage, materials or proposed construction details
- The watercourse present within the site boundary will require management to incorporate this within the development and approval from the LLFA.

Parking

- In order for garages to be counted toward parking provision they should align with measurements outlined in the '[Garages and gated accesses](#)' section of the LHDG. The garages for plots 5, 24, 70, 76, 77, 78 and 79 should therefore be amended.
- The Applicant should note that the [LHDG](#) states '*The council also recommends that tandem parking layouts be avoided where possible, as these can lead to on street parking by residents of dwellings served by these arrangements due to the inherent inconvenience in their use. If more than two parking spaces are proposed in a tandem arrangement, only the first two will be counted towards the required minimum parking standards.*' The LHA therefore request that the level of tandem parking within the site be addressed. With particular attention to the tandem arrangements proposing more than two spaces in a tandem arrangement.

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 tandem parking arrangements, 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.

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 Planning Layout Drawing Number HA955/001/01 Rev. P. 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. 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).

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