

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: 25/00543/REM

Highway Reference Number: 2025/0543/04/H

Application Address: Land North East Of Triumph Motorcycles Ltd Normandy Way Hinckley Leicestershire LE10 3BZ

Application Type: Reserved Matters

Description of Application: Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission (ref: 15/00188/OUT) for the residential development of 127 dwellings (Phase 7)

GENERAL DETAILS

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: c/o Agent

County Councillor: Hollycroft ED - Ann Pendlebury CC

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, 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) on the approval of Reserved Matters (appearance, landscaping, layout and scale) of outline planning permission 15/00188/OUT for the residential development of 127 dwellings (Phase 7) located at land north east of Triumph Motorcycles Ltd, Normandy Way Hinckley, Leicestershire LE10 3BZ.

The LHA has reviewed the following documents submitted by the Applicant in support of the proposals:

- Fire Tracking, drawing no. EM100-PD-050
- Amended Parking Analysis Plan, drawing no. EM100-PD-053A
- Amended Refuse Tracking, drawing no. EM100-PD-030A
- Amended Site Layout, drawing no. EM100-PD-021B
- Amended Site Location Plan, drawing no. EM100-PD-001A
- Amended Surface Materials, drawing no. EM100-SL-PH707A
- Amended Coloured Site Layout, drawing no. EM100-PD-002
- Development Framework, drawing no. DE155_002, Rev D
- Amended EV Charging Plan, drawing no. EM100-PD-012A

Internal Layout

The Applicant has indicated that they wish for the main internal development roads to be put forward for adoption.

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

The LHA advise that currently the proposals would not be suitable for adoption. It should be noted that whether the road layout is adopted is not a material planning consideration and the LHA do not consider the road layout to be unsafe, therefore the LHA would not seek to resist the proposals.

The LHA has reviewed the Amended Site Layout, drawing no. EM100-PD-021B, and note that the staggered crossroads arrangement on the main development spine road to the south of the site has been included within the Applicants red line. Drawing number MI100-PD-311&711F approved under 21/01067/REM showed a crossroads arrangement. The LHA initially advised the LPA there appeared to be a discrepancy between this reserved matters application and the approved spine road drawing, as the staggered junction was not included within the Applicants red line boundary of this current application. The LHA welcome the staggered junction arrangement as the preferred junction option.

Material Planning Considerations

As advised above, whilst adoptability of a road is not a material planning consideration and absence of the amendments would not lead the LHA to seek to resist the proposals as currently shown, the development roads would need to remain in private ownership. The LHA advise the below amendments would not be possible at detailed S38 design stage due to the fact that alterations to road geometry and bend radii would necessitate the moving of both building plots and affect the dimensions of driveways. This therefore could be a material planning consideration for the LPA and require the Applicant to undertake the amendments at this stage, prior to determination of the application in order to achieve an adoptable road layout.

- **Bend widening** - The current design layout fails to provide the required bend widening on the bends within the development. The Applicant will need to submit an amended plan to include bend widening and detail this on the plan. For further information on bend widening please refer to the LHDG link below.

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/visibility-splays#widening>

- **Unadoptable road design** - The design plan details that the roads shown serving plots 370 to 382, fail to serve the required number of direct frontage access points (minimum of 6 or more) as detailed in the LHDG. This will need to be redesigned by the Applicant to increase the number of frontages or not be proposed for adoption. The Applicant can refer to the link below for design principles. It should be noted even if the road provides access to private drives this not counted as direct frontage access.

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/developments-served-private-drives-and-areas>

- **Forward visibility** – The Applicant must detail 25m forward visibility through bends on the design plan. This must be contained within the highway boundary and further information is below.

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/visibility-splays>

Adoptability Comments

The LHA believe the below points could be resolved at the S38 stage following planning permission being granted, for which full compliance with the LHDG will be required, however the Applicant may wish to undertake the amendments at this stage.

- **Road numbers** – The LHA request the Applicant to add road numbers to the design plan as these will aid the LHA with providing design comments.
- **Road and footway widths** - For clarity, the Applicant should detail the road, footway and service margin widths that are proposed within this development. Guidance on this can be found within the Leicestershire Highway Design Guide (LHDG) via the links below

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design>

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/road-types>

- **Road classification** – The Applicant should clearly identify access roads, access ways and any shared surfaces to be installed on site. Further information can be found on the link below.

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/road-types>

- **Service Margin** – The LHA request that the proposed service margin at the back of turning heads will need to be increased to 2m as detailed in the LHDG.

- **Dropped crossing points** – The Applicant is required to detail the location dropped crossing points are to be installed on site and ensure tactile paving is detailed.

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/developments-served-private-drives-and-areas>

- **Turning head radii** – The LHA require the Applicant to detail the turning head radii on the design plan. further information can be found in (LHDG), please see the link below.

<https://www.leicestershirehighwaydesignguide.uk/design-layouts/road-design-and-layout/turning-heads>

- **Junction radii** – The Applicant will be required to detail the junction radii to be installed on site at all junctions within the development. Further information relating to junction radii can be found within the LHDG via the link below.

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/junction-type-geometry-and-spacing>

- **Tracking** – The LHA request a tracking plan to detail junctions, bends and turning heads. A minimum modelling speed of 15 kph going forwards and 2.5 kph going backwards is to be used when analysing swept paths. At turning heads and for reversing movements in service yards, the slower, default swept path vehicle speed is acceptable.
- **Swept Path Analysis** - Swept path analysis details are required for 11.2m long refuse vehicles and 18.55m long heavy goods vehicles at the turning heads proposed for adoption (unless the borough or district already uses a larger vehicle, in which case that vehicle should be used) to ensure they can be satisfactorily navigated.
- **Water Courses** - LHA records show there is a water course running through the development site. The Applicant is required to contact with the Local Lead Flooding Authority at flooding@leics.gov.uk if your proposed works affect the existing water course.
- **Easements** – If the Applicant is required to culvert a water course under the proposed public highway, the LHA will require a 3m easement to be provide at each end and either side of this feature.
- **Gradients** – The Applicant should note that gradients should conform to the standards set out in Table 3 further information can be found using the link below.

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/general-layout-and-geometry-residential-sites>

Parking Provision

The LHA have reviewed the parking and garage (if provided) provision for each plot and considers the number of parking spaces on driveways and internal garage dimensions for each plot to be in accordance with the LHAs off-street residential parking standards guidance within the LHDG.

It is noted on the Amended Parking Analysis Plan, drawing no. EM100-PD-053A, that some parking spaces are too short in length and width. Minimum parking measurements according to the LHDG should measure 2.4m x 5.5m, add 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. Tandem parking spaces should be provided at 6m in length per space, i.e. 12m length for two spaces. For more information, please see the link below:

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/parking-and-making-provision-service-vehicles/design-principles-street>

The Applicant also note the requirement for visitor parking available at the link below:

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/parking-and-making-provision-service-vehicles/street-residential-car>.

1x1m pedestrian visibility splays should also be detailed where all private drives or shared private drives meet the highway.

Public Rights of Way (PROW)

The application site is bounded by public right of way Footpath U6 (which runs along the inside western boundary) and public right of way Footpath T53 (which runs along the northern boundary). Included below is the 25/00543/REM Amended Surface Materials, drawing no. EM100-SL-PH707A overlaid with the Definitive Map of public rights of way. The Definitive Map legally 'fixes' the alignment of public rights of way. The Surface Materials drawing accurately reflects the route of Footpath U6, though with Footpath T53 the route as drawn on the plan is, for much of its length, approximately 2 metres too far to the south which will need consideration by the Applicant.

The LHA requests that to encourage active travel, all of Footpath T53 within the site should be a 2m wide tarmac surface with timber edging for the. This could be dealt with by an appropriately worded condition, along with signing and other details of the PROWs within the site as advised below.



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 Davidson's drawing number EM100-PD-053A. 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).

6. No development shall take place until a scheme for the treatment of the Public Right of Way U6 and T53 have been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction, proposed temporary route(s); any proposed permanent legal diversion; and construction of the new route. Physical construction should address width, surfacing, drainage, structures, signposting, landscaping, and boundary treatments in accordance with the principles set out in the Leicestershire Highway Design Guide annex on Development and public rights of way. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

REASON: to protect and enhance Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework (December 2024).

Informatives

- Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>.
- 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).
- All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>.
- Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
- Public Rights of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to

networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

- Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal.

Date Received
18 June 2025

Case Officer
Emma Peacock

Reviewer
BD

Date issued
15 August 2025