

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: 25/00537/REM

Highway Reference Number: 2025/0537/04/H/R1

Application Address: Land North Of A47 Normandy Way And East Of Stoke Road Hinckley Leicestershire

Application Type: Reserved Matters

Description of Application: Re-consultation. Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 22/00318/OUT for construction of 475 dwellings and associated infrastructure and landscaping works.

GENERAL DETAILS

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Mr Hugh Harriman

County Councillor: Hollycroft ED - Ann Pendlebury CC

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 does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been consulted on a reserved matters planning application of outline planning permission 22/00318/OUT for construction of 475 dwellings and associated infrastructure and landscaping works. The Application site is located on Land North of A47 Normandy Way And East of Stoke Road Hinckley.

Site Access

The site access has already been agreed and determined as part of the outline planning permission 22/00318/OUT.

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):

- Planning Layout (2 of 3) P24-1360_DE_0005_02_H;
- Planning Layout (3 of 3) P24-1360_DE_005_03_H; and
- Vehicle Tracking Plan – Full Site MZ567_03_020_01 Rev. A

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

The LHA consider that the internal layout does not accord with the LHDG and the site is therefore not suitable for planning permission as currently proposed. The Applicant should therefore consider the following points:

- The speed control measures within the layout requires further adjustments. For example, there are areas which are over calmed, such as the table o/s Plot 103 and between 58-65 & 104-106, but then lengths which exceed the ~60m as detailed in the LHDG. The Applicant should note that any ~90° bends within the development with an inside radii exceeding 8m will not be considered as a calming feature, such as Plots 448 and 215.
- The ramps for these tables should also not conflict with driveways, as they currently do at Plots 176, 331 and 143.
- Forward visibility splays are required, and the areas within the splays should be conveyed as highway at the bends within the development, in accordance with the LHDG. For further information, please see LHDG, Figure 8. The Applicant should ensure the splays are detailed on the drawing(s).
- A 2m footway should be detailed at the north of the turning head o/s Plot 95, to connect into the footpath.
- The small stretch of 1m margin between Plots 227 – 224 should be a 2m footway to connect into the footpath.
- Tactile paved uncontrolled pedestrian crossings should be provided and shown at junctions/where appropriate. e.g. at PROW crossings.

- Bend widening is not required at the bends o/s Plots 224 & 227 or at the shared surface around the LAP.
- The turning head radius at the end of the main spine and o/s Plot 124 should be 8m.

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:

- There are less than 6 plots fronting onto/being directly served by the roads serving Plots 464, 336 and 77 – in line with Policy 5 of the LHDG this should be redesigned to increase the number of frontages or not be proposed for adoption.
- Clarification is sought regarding the 5.5m wide road serving Plot 131. Currently this exceeds the required carriageway width, but this is acceptable as-is if this is to futureproof the access to a further phase of development (presumably the school?) If no future development is served a commuted sum will be charged at the S38 stage for the additional highway area.
- The Applicant should note that the additional squared edges of the shared surface around the LAP area will incur a commuted sum at the S38 stage.
- The LHA note that the carry distance for some householders on private drives exceeds the ideal maximum of 30m (The Building Regulations 2010, Drainage and Waste disposal Approved Document H, Para 1.8, Page 54).

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 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.
- In line with the LHA's Road safety audit policy, please note that a Stage 2 RSA will be required when the S38 application is made to the LHA.

Date Received
3 October 2025

Case Officer
Suraj Dave

Reviewer
DH

Date issued
23 October 2025