

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: 26/00113/REM

Highway Reference Number: 2026/0113/04/H/R4

Application Address: Land West Of Workhouse Lane Burbage Leicestershire

Application Type: Reserved Matters

Description of Application: Re-consultation. Application for the approval of Reserved matters (Layout, Scale, Appearance, Landscaping) of outline planning permission 20/01012/OUT for residential development of up to 40 dwellings

GENERAL DETAILS

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Mrs Rebecca Crann

County Councillor: Burbage ED - Cllr Barry Walker

Parish: Burbage

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) have been re-consulted by the Local Planning Authority (LPA), Hinckley and Bosworth Borough Council, on the following reserved matters application on Land West of Workhouse Lane Burbage Leicestershire:

'Application for the approval of Reserved matters (Layout, Scale, Appearance, Landscaping) of outline planning permission 20/01012/OUT for residential development of up to 40 dwellings'.

The LHA previously advised approval subject to conditions in a response dated 9 June 2026.

The Applicant has subsequently submitted the following documents, via the LPA, which have been reviewed:

- Pegasus Group – Planning Layout. Drawing Number P25-2857-DE-02H REV.J.

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:

- Drawing P25-2857-DE-02H REV.J.

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

Currently the LHA advise there are no material planning considerations with the proposed site layout.

Adoptability comments

Upon review of the submitted documents the LHA advise that the site accords with the LHDG and is suitable for submission of a S38 application post granting of planning consent as currently presented.

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 carriageway is required to accord with [Table 3](#) of the LHDG. Larger width carriageways would potentially be acceptable to futureproof the site and allow for expansion down the line (currently all roads are 5.5m in width and the LHA would ordinarily require 4.8m). The LHA note that a 'Potential Future Access' is shown to the south-east of the site.
- The turning head closest to the pumping station is not designed in accordance with [Figure 12](#) of the LHDG. This may incur a commuted sum.

- The turning head outside plots 28 & 33 is unnecessarily large, serves no highway purpose, and does not need to be extended beyond the radii. This will also incur a commuted sum.

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.

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 P25-2857-DE-02H REV.J. 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. 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 and dropped kerbs that serves those dwellings has been provided. 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 (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 (2024).

Informative

- If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. 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/>

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.

Date Received
1 July 2026

Case Officer
Amy Stone

Reviewer
SD

Date issued
9 July 2026