

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/R3

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 8 May 2026.

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

- Pegasus Group – Car Park & Cycle Storage. Drawing Number P25-2857_DE_004-04D.
- Pegasus Group - Detailed Soft Landscape Composite Plan. Drawing Number P25-2857_EN_0002_S3_REV.A
- Pegasus Group - Detailed Soft Landscape Proposals Sheet 1. Drawing Number P25-2857_EN_0002_S1_REV.A
- Pegasus Group - Detailed Soft Landscape Proposals Sheet 2. Drawing Number P25-2857_EN_0002_S2_REV.A
- Pegasus Group – Planning Layout. Drawing Number P25-2857-DE-02H REV.H

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 Number P25-2857-DE-02H REV.H

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 consider 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-commutedsums/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 point in order to demonstrate a layout more likely to be suitable for an application for adoption under S38:

- There are less than six plots fronting onto/being directly served by the 'Residential access way' to the south-east of the site. In line with [Policy 5: Highway Adoption Policy](#) of the LHDG this should be redesigned to increase the number of frontages or not put forward for adoption.

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 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](#) 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 Car Park & Cycle Storage drawing number P25-2857_DE_004-04D. 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. 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
28 May 2026

Case Officer
Amy Stone

Reviewer
DH

Date issued
9 June 2026