

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: 25/00197/REM

Highway Reference Number: 2025/0197/04/H/R1

Application Address: Land South Of Pumping Station Aston Flamville Road Burbage
Leicestershire

Application Type: Reserved Matters

Description of Application: Re-consultation. Reserved Matters submission for the appearance, layout and scale of development for 238 no. dwellings (southern parcel) pursuant to outline planning permission 23/00673/OUT.

GENERAL DETAILS

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Mr Mitesh Rathod

County Councillor: Burbage ED - Cllr Barry Walker

Parish: Burbage

Road Classification: Class C

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 re-consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a reserved matters application for the appearance, layout and scale of development for 238 no. dwellings (southern parcel) pursuant to outline planning permission 23/00673/OUT. The site is located at land south of Pumping Station Aston, Flamville Road, Burbage.

The LHA previously advised within its observations dated 2nd April 2025 that it had no objection to the proposals, subject to conditions, however the internal road layout was not considered to be designed to an adoptable standard, and several changes would to the layout would be required.

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.

To aid the design process, the LHA have reviewed the following submitted drawings:

- Jelsons response to the LHA's 2nd April 2025 observations
- Edwards & Edwards drawing number 001 (Refuse Vehicle Tracking Layout)
- Farrow Walsh drawing number 2544-FWL-ZZ-ZZ-DR-D-5200 Rev. P01 (outline Drainage Layout – Overview)
- Jelson Homes drawing number BUR01-LEV-01 Rev. A (Proposed Levels and Highways)
- Jelson Homes drawing number BURB.001 Rev. D (Planning Layout – Overall)
- Jelson Homes drawing number BURB.003 Rev. D (Planning Layout – South Site)
- Jelson Homes drawing number BURB.006 Rev. B (House Type plan)
- Jelson Homes drawing number BURB.008 Rev. A (Boundaries and Bins Plan)
- Jelson Homes drawing number BURB.010 Rev. A (Parking Provision Plan)
- House Type Pack (Received by the LPA on 19th September 2025)

Adoptability of a site is not a material planning consideration. Nevertheless, the LHA advise after reviewing the above drawings, it does not consider there are any matters which could require the Applicant to make further, material amendments to the site layout for the roads to be considered for adoption as part of a S38 application.

However, the Applicant is advised to note the following points:

- Remote footways intended to create amenity paths will not be considered for adoption. Any link footways which connect 2 areas of highway will need to be street lit in accordance with the current regulations to be considered for adoption.
- Areas of proposed highway not required for its safe function (e.g. additional turning areas and parking bays) will be subject to a commuted sum.
- Any roads which are proposed to be put forward as part of a Section 38 agreement should have gradients which conform to the standards set out in [Table 3](#) of the LHDG.
- At this stage it is not possible to comment on drainage proposals as gully positions have not been shown. All drainage should be in accordance with the LHDG. It must be ensured that surface water from private land does not run or pool in the public highway.

Parking Provision

The LHA has reviewed parking provision within the site and can advise the following points:

- There remains a number of plots where [tandem parking](#) is proposed for dwellings with four bedrooms such as Plots 2, 3, 46, 55, 170 and 171. The LHA advises against this as set out in the LHDG and would request the parking layout for these plots is amended.

- Several of the shared private drives still appear to be below 5.0m in width where the overall length is more than 25m. Further detail can be found in [Table 13](#) of the LHDG.
- Whilst dimensions for the majority of parking spaces are designed in accordance with the LHA's [design principles for off-street parking](#), it should be noted that parking spaces for Plots 34, 229 appear to be sub-standard in either length or width. It would be beneficial for these to be widened/ lengthened as necessary.
- The LHA welcome the provision of the Jelson Homes drawing number BUR01-LEV-01 Rev. A, which detail dropped kerbs as necessary throughout the site.

Notwithstanding the above, the LHA consider it would be difficult to resist the proposals on these grounds given the parking spaces are spread out throughout the site. The Applicant may be able to undertake some amendments, notably to private drive widths at detailed design.

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 Jelson Homes drawing number BURB.010 Rev. A. 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 (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 in accordance with Jelson Homes drawing number BUR01-LEV-01 Rev. A (Proposed Levels and Highways). 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).

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 (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 reenacting 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 (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.
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

Date Received
19 September 2025

Case Officer
Ben Dutton

Reviewer
DH

Date issued
14 October 2025