

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/R2

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 and 14th October 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. A site layout design submitted as part of a planning application which addresses all comments below does not guarantee a successful S38 application.

To aid the design process, the LHA have reviewed the following submitted drawing(s):

- Jelson Homes drawing number BURB.001 Rev. F (Planning Layout – Overall)
- Jelson Homes drawing number BURB.003 Rev. F (Planning Layout – South Site)
- Jelson Homes drawing number BURB.006 Rev. D (House Type plan)
- Jelson Homes drawing number BURB.008 Rev. D (Boundaries and Bins Plan)
- Jelson Homes drawing number BURB.010 Rev. D (Parking Provision Plan)
- House Type Pack Rev. A (Received by the LPA on 19th September 2025)

Adoptability of a site is not a material planning consideration. The comments below are therefore broken down 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 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:

Carriageway geometry

Whilst this appears to be in accordance with LHDG, no dimensions are shown that indicate bend widening has been applied in accordance with [Table 7](#) of the LHDG.

Active Travel

Applicant should consider whether opportunities to enhance active travel options are available, particularly given the site connection at the Western end for cyclists.

Speed control measures (conflicting)

The start of the shared surface, on Road 10, should commence with a ramp to control speed, rather than the speed table being at the junction before (ramp down onto shared surface). The

block paved footway prior to the shared surface will diminish the visual impact of the shared surface block paved area.

Bend Widening

It is not clear that bend widening has been applied in accordance with LHDG and this should be addressed now, rather than at S38 submission.

Turning Heads

Turning heads should be 8m radii, not 7.5m, so they should be amended.

Plot positioning

Multiple plots at bends and turning heads appear too close to highway. A minimum set back of 0.5m should be applied. Plot 29, 89/90 (relation to forward vis splay), 149, 130, 126, 179, 169, and 174, are all of particular concern.

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.

Adoptability comments

- Consideration of root barrier/deflection treatment will be required when proposing trees/shrubs adjacent to the footway.
- No consideration has been made of the suitability of parking facilities (availability, location, physical attributes, etc.), private drives, pedestrian visibility etc.
- At this stage it is not possible to comment on the vertical alignment, drainage, materials or proposed construction details.
- In line with our Road safety audit policy, please note that a Stage 2 RSA will be required when the S38 application is made to the LHA.

Parking provision

The LHA has no further comments in respect of parking provision as part of this updated response.

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. D. 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 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 (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
9 December 2025

Case Officer
Ben Dutton

Reviewer
DH

Date issued
19 December 2025