

**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.

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**APPLICATION DETAILS**

Planning Application Number: 25/00197/REM

Highway Reference Number: 2025/0197/04/H

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

Application Type: Reserved Matters

Description of Application: 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.

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**GENERAL DETAILS**

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Mr Mitesh Rathod

County Councillor: Cllr Barry Walker

Parish: Burbage

Road Classification: Class C

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**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 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 has reviewed the following documents submitted by the applicant:

- Jelson Homes drawing number BURB.001 Rev. B (Planning Layout – Overall)
- Jelson Homes drawing number BURB.003 Rev. B (Planning Layout – South Site)
- Jelson Homes drawing number BURB.006 (House Type plan)
- Jelson Homes drawing number BURB.008 (Boundaries and Bins Plan)

- Jelson Homes drawing number BURB.010 (Parking Provision Plan)
- House Type Pack (Received by the LPA on 4<sup>th</sup> March 2025)

For the avoidance of doubt, the LHA has reviewed the proposals for the section of development to the southwest of Aston Flamville Road only. Consideration has *not* been given to the section of the development to the northeast of Aston Flamville Road, which would consist of the remaining 105 dwellings of the overall development. It is anticipated details on this part of the development would be submitted by the applicant for consideration at a later date.

### **Internal Layout**

Details of the internal layout of the site are provided on Jelson Homes drawing number BURB.003 Rev. B. The applicant has indicated that they wish for the main internal development roads to be put forward for adoption.

The acceptability of an adopted road layout is subject to a Section 38 agreement in accordance with the Highways Act (1980). In order for the site to be suitable for adoption, the internal layout must be designed fully in accordance with the Leicestershire Highway Design Guide ([LHDG] available at <https://www.leicestershirehighwaydesignguide.uk/>).

After reviewing the drawing, the LHA advises that the internal access roads are currently not suitable for adoption and the amendments below are required at the application stage. The LHA advises that whilst the road layout is not considered unsafe and adoptability is not a material planning consideration, the following amendments to the layout should be undertaken at this stage, as plot layouts could be affected.

- No dimensions are shown on the plan, therefore assumptions have been made regarding road widths based on the access drawings approved under the outline permission, and the LHDG. For more detailed comments, the LHA requests the applicant provides all dimensions on revised drawings. The applicant is directed to [Table 3](#) of the LHDG in respect of general geometry of internal residential roads. **Please refer to the Outline Engineering Drawings for road geometry.**
- The development proposes 238 dwellings from a single point of access, served by a new roundabout to be constructed on Aston Flamville Road. The arm serving the southern site is shown as 6.75m on the outline permission, this width has been presumed to be used for the planning layout, which would be in accordance with LHDG. **Noted**
- The applicant should be reminded that all frontages should be served by a 2m wide footway, unless accessed from a shared surface. The applicant has shown a substandard footway/carrageway width on the road service plots 198-216. This road is not suitable for a shared surface design as the geometry does not provide a 15mph design speed (as required by Table 3). This road should be redesigned as a Residential Access Road with 2m footway provision either side. **This has been amended on the latest plans.**
- The applicant should note that driveways shown at the edges of raised speed tables will not be acceptable, due to the presence of a ramp (plot 124). **This has been amended but ultimately can be addressed at detailed design should any other instances occur.**
- Visibility splays on all junctions and bends should be checked to be in accordance with [Table 3](#). It should be noted by the applicant that a forward and junction visibility splay of 25m

is required on all Residential Access Roads. This will be applicable to all roads other than those designed as a Shared Surface, where a 17m visibility splay is acceptable provided a

15mph design speed is met. Locations of concern are plot 95/96, plot 47/48, plot 23. **Drawing updated to reflect required visibility splays.**

- The road at plot 57 should be redesigned as a bend. The dominant flow of traffic will be onwards towards plots 58-80. There will be insufficient vehicles travelling East/West to create a junction arrangement. Road geometry will need reconsidering to provide a suitable bend (and should be tracked) in addition to considering forward visibility on the resulting bend. **Now drawn as a speed control bend.**
- Speed control looks generally to be in accordance with LHDG, however, no measurements have been provided, therefore a full review of speed control would need to be undertaken at S38 submission stage. **Noted**
- A number of existing trees are close to proposed highway. The applicant should carry out further detailed study of the Root Protection Area for these trees, which may preclude the construction of carriageway and footway adjacent to these existing features. **This matter can be addressed at the detailed design stage, with all trees selected being of suitable species for planting adjacent to the highway in accordance with the Leicestershire Highway Design Guide and root barriers installed where required.**

#### General Comments

- 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 in order to be considered for adoption. **Noted, to be reviewed at detailed S38 stage. Any footpaths not offered for adoption will fall under the remit of the management company.**
- 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. **Noted**
- 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. **Noted and can confirm these comply. All roads subject to formal S38.**
- 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. **This matter can be addressed at the S38 stage, with all gully spacing to be in accordance with the Leicestershire Highway Design Guide and suitable private drainage to ensure no surface water from private land would enter the highway.**

#### Parking Provision

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

- The number of parking spaces provided for each plot and (where provided) garage/ integral garage dimensions are in accordance with the LHA's [off-street residential car parking standards](#). **Noted.**
- 1x1m pedestrian visibility splays have been shown where private drive and shared private drives meet the proposed adopted highway. **Noted**

- There are 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 per the guidance in the LHDG and would request the parking layout for these plots is amended. Tandem parking has been avoided wherever possible; however, where it remains, it is due to site constraints leaving no reasonable alternative.
- Several of the shared private drives appear to be below 5.0m in width where the overall length is in excess of 25m. Further detail can be found in [Table 13](#) of the LHDG. The number of dwellings served from each shared private drive is limited, so traffic movements will be very low and the additional width for vehicle passing is not considered necessary; furthermore, visitor parking bays are provided along the drives which can act as informal passing places if required. Refuse vehicles **will not** be accessing these driveways.
- 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. These should be widened/lengthened as necessary. **These have been amended on plan.**

- The LHA request details of dropped kerb points for all private drives/ shared private drives in accordance with [Table 13](#) of the LHDG are shown on a revised drawing. **Please refer to the attached highways strategy and levels drawing.**

## **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. 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. 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](mailto: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. **N/A as changes have now been made to the design to address adoptability comments. Road subject to S38.**
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). **Noted**

**Date Received**  
**11 March 2025**

**Case Officer**  
**Ben Dutton**

**Reviewer**  
**DH**

**Date issued**  
**2 April 2025**