

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: 25/00971/REM

Highway Reference Number: 2025/0971/04/H

Application Address: Land To The South West Of Lutterworth Road Burbage Leicestershire

Application Type: Reserved Matters

Description of Application: Approval of reserved matters (appearance, layout, scale and landscaping) of outline planning permission 21/00502/OUT for the construction of 77 residential dwellings

GENERAL DETAILS

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Mrs Laine Lawrence

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) has been consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a reserved matters application for the appearance, layout, scale and landscaping of pursuant to outline planning permission 21/00502/OUT for the construction of 77 residential dwellings at land to the southwest of Lutterworth Road, Burbage.

The LHA is aware of application reference 24/00083/HYB (Hybrid planning application for 422 dwellings, public open space, associated infrastructure and the demolition of 65 and 65a Coventry Road, and Burbage Fields Farm and outline planning application for a residential care home and up to 11no. self-build plots [all matters reserved except for access]), to which it has advised refusal to the LPA on 31st October 2025.

As part of that application, full planning permission for 55 dwellings with access off Flanders Close has been applied for. That site is the same site covered by this current planning application. The LHA advise the observations for this current application have been reviewed independently of that

application and are provided without prejudice to any further advice which may be provided in respect of that application.

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 drawings:

- Geoff Parry Associates drawing number 001 Rev. Issue 5 (Planning Layout);
- Geoff Parry Associates drawing number 005 (Occupancy Plan);
- Geoff Parry Associates drawing number 008 (Parking Matrix);
- Geoff Parry Associates drawing number 009 (Refuse Strategy Plan);
- Geoff Parry Associates drawing number 011 (Hard Surfaces Plan); and
- The Davey Corporation drawing number 5080 TDC XX ZZ DR C 9030 Rev. P01 (Surface Finishes).

Adoptability of a site is not a material planning consideration. Whilst the LHA considers there are no 'material planning considerations', which are required to be addressed pre-determination of this application, irrespective of adoptability, a number of 'adoptability' comments are provided, 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>.

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 points in order to demonstrate a layout more likely to be suitable for an application for adoption under S38 process:

- The proposed traffic calming will need to be amended to comply with the LHDG requirements. The maximum spacing between features should be no more than 60m or 40m to maintain a 20mph design speed within the development. Further information can be found in [Table 20](#) of the LHDG.
- Internal garages for the "Oxford" plots are not designed in accordance with the [off-street residential car parking standards](#) section of the LHDG as the internal dimensions do not

measure 6m x 3m. These plots are therefore short of one parking space and the internal garage dimensions should be increased.

- Parking provision for the four bed “Stratford” plots is in a tandem arrangement and the LHA request that this is amended so that no more than two car parking spaces are in tandem with each other.

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 Applicant will need to remove the existing turning head in Flanders Close to enable the development road to be extended. The alterations required will need to be detailed on the revised planning layout for review.
- The turning head arms are excessive in length and need to be redesigned to comply with [Figure 12](#) of the LHDG.
- The turning head on road 2 details a 500mm service strip is to be installed at the back edge of the turning head which fails to comply with the LHDG requirements. The Applicant will need to amend the layout to detail a 2m service margin will be installed at the back edge of the tuning head on this road.
- The design plan details visitor parking bays are to be installed within this development. Whilst a total of 19 visitor parking spaces have been provided within the development, which is in accordance with the [Residential Visitor Parking](#) section of the LHDG, the highway LHA's preferred option would be for the on-street parking lay-bys (V3, V13, V14 and V16) to be removed from the internal road layout.

Should the Applicant wish to retain these within the design, the LHA will require them to pay a commuted sum to cover the additional maintenance cost of these proposed assets.

- Road 2 is detailed as having a carriageway width of 5.5m, due to the limited number of plots this road serves, the Applicant is required to amend the carriageway width to 4.8m.

The Applicant is advised to note the following points:

- The Applicant should note that Passchendaele Drive and Flanders Close are currently unadopted and it is noted, that the LHA were not consulted during the construction process.
- Should the Applicant fail to secure the adoption of Passchendaele Drive and Flanders Close, the site will have to remain private and the internal road network will not be considered for adoption.

- The footway link at the rear of the development will not be adopted by the highway authority.
- 1x1m pedestrian visibility splays are required where private drives or shared private drives meet the highway.
- Leicestershire County Council will not maintain any of the green areas shown on the Planning Layout.
- Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary and a drop crossing of a minimum size, as shown in Table 13 of the LHDG, at its junction with the adopted road carriageway.
- The Applicant should refer to the following link to the LHDG regarding the use of long private drives to ensure compliance with the requirements set out regarding refuse collection, turning heads and emergency vehicle access
<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/developments-served-private-drives-and-areas>.
- 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: General geometry of residential road (internal) in the LHDG.
- The LHA are unable to comment on drainage proposals as gully positions have not been shown. All drainage should be in accordance with the Highway Drainage Design section of 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 the parking provision throughout the site and advises that the number and dimensions of parking spaces per plot is considered in line with the [off-street residential car parking standards](#) section of the LHDG. The single garage dimensions are accepted by the LHA. This is with the exception of the "Oxford" four bed plots where the internal garage is below the requirements of the LHDG as detailed above.

It should be noted that whilst other internal garages within the site are also below the internal dimension requirements within the LHDG, these are not required to be considered as a parking space given the three bed plots, they serve all have two off-street parking spaces without including the garage.

Conditions

1. The development hereby permitted shall not be occupied until such time as the parking and turning facilities has been implemented in accordance with Geoff Parry Associates drawing number 001 Rev. Issue 5. 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 Geoff Parry Associates drawing number 001 Rev. Issue 5. 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
16 October 2025

Case Officer
Ben Dutton

Reviewer
DH

Date issued
14 November 2025