

**Substantive response of the Local Highway
Authority to a planning consultation received
under The Development Management Order.**

josResponse provided under the delegated authority of the Director of Environment & Transport.

APPLICATION DETAILS

Planning Application Number: 26/00265/NMA

Highway Reference Number: 2026/0265/04/H

Application Address: Land Opposite Spring Acre Lychgate Lane Burbage Leicestershire

Application Type: Non-material amendment

Description of Application: Non-material amendment to planning permission 22/00192/OUT.

Amendment to conditions 3 and 20 to reference the correct highways plans

GENERAL DETAILS

Planning Case Officer: Joseph Fleetwood HBBC

Applicant: Mr Sam Salt

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:

Objection

Objection to the non-material amendment of Condition 20.

No objection

No objection to the non-material amendment of Condition 3.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been consulted by the Local Planning Authority (LPA) on a non-material amendment to planning permission 22/00192/OUT (appeal decision APP/K2420/W/23/3321670). The Applicant is seeking an amendment to conditions 3 and 20 to reference the correct highways plans. The LHA has reviewed the following documents submitted by the Applicant in support of the proposals:

- Covering Letter dated 16th March 2026
- ADC drawing number ADC2167-DR-001 Rev. P6 (Access Junction Layout)
- ADC Infrastructure drawing number ADC2167-DR-004 Rev. P3 (Sapcote Road/Hinckley Road Proposed Improvement Scheme)

Condition 3

For the avoidance of doubt, Condition 3 is provided below:

The development hereby permitted shall not exceed 85 dwellings in total and shall be in accordance with the following approved details:

- *Site Location Plan n1456 001 A received 25 February 2022*
- *Proposed habitat plan received 11 November 2022*
- *Proposed Access Junction Layout – ADC2167-DR-001 P3*
- *Proposed Relocation of Speed Limit Change – ADC2167-DR-003 P1*

Condition 20

For the avoidance of doubt, Condition 20 is provided below:

Development shall not commence before a scheme of highway improvements for the junction of Burbage Rd/Hinckley Rd/Sapcote Rd have been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied before the improvements have been completed in accordance with the approved details.

Highways Comments

The Applicant has stated the details required by Condition 20 are shown on ADC drawing number ADC2167-DR-001 P3 and that this drawing is included within Condition 3 as an approved plan. It is therefore considered by the Applicant that a submission of details against Condition 20 is not necessary, and the wording of the condition is not enforceable as the details are already approved. The Applicant therefore proposes to remove the need to comply with this condition.

The LHA advise that the drawing which covers the junction improvements is drawing number: ADC2167-DR-004 Rev. P3 and not drawing number: ADC2167-DR-001 P3, which the LHA advise is a superseded drawing of the access layout. The drawing related to condition 20 is therefore not currently included in condition 3. Notwithstanding this, the LHA consider that should the drawing be included within condition 3 and condition 20 removed, there would be no trigger point to implement the junction improvement works. Condition 20 requires the works to be implemented prior to occupation of any dwelling. Without condition 20, it would be unclear when the works would need to be implemented. The LHA advise it would be happy for drawing number ADC2167-DR-004 Rev. P3 to be included within condition 20, however not for the removal of condition 20 as there would be no trigger point for implementation.

The Applicant has also stated that the details of the widening of Lychgate Lane are shown on drawing title ADC ADC2167-DR-001 Rev P6. Condition 19 requires these works to be implemented in full prior to the first occupation. However, the drawing is not included within Condition 3 as an approved document. As advised above, the condition includes drawing number ADC2167-DR-001 P3, which is a superseded version of the access drawing. The LHA would have no objection to drawing number ADC2167-DR-001 Rev P6 replacing drawing number ADC2167-DR-001 P3 within condition 3. The Applicant has not requested the removal of condition 19, which requires the widening of Lychgate Lane to be implemented prior to occupation of any dwelling and therefore retains the trigger point for implementation.

Date Received
13 April 2026

Case Officer
Ben Dutton

Reviewer
DH

Date issued
23 April 2026