

**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 Growth, Environment & Transport.

APPLICATION DETAILS

Planning Application Number: 26/00701/NMA

Highway Reference Number: 2026/0701/04/H

Application Address: Land Off Sketchley Lane Burbage Leicestershire

Application Type: Non-material amendment

Description of Application: Non material amendment to planning permission 21/01131/OUT. To amend the trigger point referenced in Condition 22

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Ms Esther Wiles

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 22.

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 the non-material amendment to planning permission 21/01131/OUT. The Applicant wishes to amend the trigger point referenced in Condition 22.

The LHA has been consulted on the non-material amendment to Condition 22 twice previously.

- *24/00920/NMA -The Applicant applied to amend the trigger for the off-site highway works to be implemented in full 9 months following first occupation of dwellings.*

The Applicant stated the reasons for the NMA were due to the fact they would need to close Sketchley Lane to traffic around the Christmas period to comply with Condition 22. There is a restriction on highway works during this time and the Applicant also did not wish to disrupt the nearby hotel during their pre-booked festive period.

- 25/00601/NMA The Applicant applied to amend the trigger for implementation of off-site highway works from 9 months after 1st occupation to prior to the 25th occupation.

The Applicant stated the following reason for amending the trigger point for a second time:

“To enable Persimmon Homes to complete the offsite works detailed discussions are ongoing with Leicestershire County Council Highways team meaning a section 278 agreement has not yet been signed. Without a S278 agreement the works cannot be carried out. As we work towards a solution this application ensures that we do not breach the condition as we experience uncontrolled delays.”.

The LHA advised it had no objection to the non-material amendment of condition 22 both times.

Condition 22

For the avoidance of doubt, condition 22 (amended following application 25/00601/NMA) currently reads as follows:

The offsite works shown on Stantec drawing number 332010596-700-001 Rev A shall be implemented in full prior to the occupation of the 25th dwelling of the development hereby approved.

Reason: To mitigate the impact of the development in the general interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

Highways Comments:

The Applicant wishes to amend the condition as follows:

‘The offsite works shown on Stantec drawing number 332010596-700-001 Rev A or a subsequent amended design that has been submitted to and approved in writing by the local planning authority shall be implemented in full, prior to the 50th occupation.’.

It is noted that the Applicant has included the wording ‘or a subsequent design’ and amended the trigger point to prior to occupation of the 50th dwelling.

The Applicant has stated the following reason for requiring a further NMA to the condition:

‘To enable Persimmon Homes to complete the offsite works detailed discussions are ongoing with Leicestershire County Council Highways team meaning a section 278 agreement has not yet been signed. Without a S278 agreement the works cannot be carried out. As we work towards a solution this application ensures that we do not breach the condition as we experience uncontrolled delays.’.

This is the same reason as per the previous NMA application.

As part of application 25/00601/NMA, the LHA advised the following within its 21st July 2025 observations:

‘The LHA advise the current S278, is still not technically approved and comments on the latest design were provided to the Applicant on 30th June 2025. A response from the Applicant and a

revised submission is awaited. The LHA advise some of the outstanding matters include the Applicant committing to re-surfacing the carriageway to the required standards, undertaking amendments to drainage details and undertaking amendments to the design of the scheme, elements of which are not currently considered acceptable.

Whilst the LHA advise it does not object to the non-material amendment to enable the Applicant to gain technical approval of the proposals at this time, it is highlighted this is the second application to amend the wording of the condition, of which was considered by the Planning Inspector as necessary to make the development safe and suitable and implemented prior to occupation on the grounds of highway safety. The LHA therefore strongly advise the S278 works are progressed and implemented by the Applicant at the earliest opportunity’.

The LHA advise the LPA that despite initially submitting plans for approval in July 2024, the Applicant has submitted several resubmissions with the view to obtaining technical approval, the last of which was made in April 2025. Subsequent correspondence with the Applicant has focused on the LHA’s requirement for the Applicant to demonstrate suitable proposals for the reconstruction of Sketchley Lane where the works have been undertaken, despite the LHA applying the standards and processes set out in the County Council’s Leicestershire Highway Design Guide - <https://www.leicestershirehighwaydesignguide.uk/>.

The last correspondence between the Applicant and the LHA, was written confirmation that the County Council’s position regarding the requirement for the Applicant to provide more robust construction proposals would remain applicable. This was sent in February 2026. No further correspondence or design submissions have been received from the Applicant since this, with no meaningful progress on the detailed design being made since April 2025. This is prior to the last NMA application.

The LHA highlights that application reference 19/00947/OUT (Development comprising of up to 140 dwellings and extension of Sketchley Meadows Business Park for up to 30,000 sq m (322,920 sq ft) gross external floor space for Class B2 General Industrial/Class B8 Warehousing and Distribution use with associated means of access from Watling Drive and Sketchley Lane, associated internal estate roads, parking, landscaping, open space and sustainable drainage (Outline - including access)) at the same site was dismissed at appeal (appeal ref APP/K2420/W/20/3260227). One of the reasons was the Planning Inspector considered a traffic calming scheme was necessary on Sketchley Lane to make the development safe and suitable.

Regrettably, there has been little progress from the Applicant since the granting of the previous NMA by the LPA, without any further submissions from the Applicant to the LHA to obtain technical approval.

Given the above, the LHA advise the LPA it currently does not believe that the Applicant is making suitable progress to deliver the scheme, which is required by a Planning Inspector on the grounds of highway safety, and does not consider it acceptable to postpone the off-site works until further dwellings have been built.

Date Received
26 August 2026

Case Officer
Ben Dutton

Reviewer
DH

Date issued
3 September 2026