

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: 26/00314/REM

Highway Reference Number: 2026/0314/04/H/R1

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

Application Type: Reserved Matters

Description of Application: Re-consultation. Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 23/00673/OUT for 105 dwellings (northern parcel)

GENERAL DETAILS

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: C/O Agent

County Councillor: Burbage ED - Cllr Barry Walker

Parish: Burbage

Road Classification: Class B

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 Policy TR6(4) of the National Planning Policy Framework (2026), 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 the approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 23/00673/OUT for 105 dwellings (northern parcel). The site is located on land south of Pumping Station, Aston Flamville Road, Burbage.

The LHA previously advised within its observations dated 6th May 2026 that whilst it had no objections to the proposals subject to conditions, the internal layout was not suitable for adoption and that a number of amendments would be required at the Section 38 (S38) stage, which could result in plots being relocated and the need for a Section 73 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.

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

- Nineteen47 drawing number BL-008 Rev. C (Technical Planning layout);
- Nineteen47 drawing number BL-009 Rev. 9 (Coloured Planning Layout); and
- Bloor Homes drawing number EM039-EN-001 Rev. B (Highways Layout).

Adoptability of a site is not a material planning consideration. The comments below are therefore separated 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 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> .

Material Planning Considerations

The LHA advise there are currently no material planning considerations with the proposed site layout.

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 to demonstrate a layout more likely to be suitable for an application for adoption under S38:

- Whilst swept path analysis has been undertaken on the Technical Planning Layout drawing and may be acceptable, the dimensions of the vehicle used are not provided. Further information is available at: <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/swept-path-analysis>.
- Where roads do not serve six fronting plots or more, they will need to remain private, for example the side road serving plots 82,83 & 91,92.

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:

- Several private access drives are still located a minimum of 1m away from speed table ramps. For example, plot number 15, 20, 58 are too close.

Parking Provision

The LHA has no further comments to make on parking provision for the site.

Other Considerations

The Applicant is advised to note the following points:

- For long drives and accesses, Building Regulations Approved Document B, Fire Safety 2006, must be considered regarding access for refuse collection and emergency vehicles. The regulations set out a maximum carry distances of 25m for residential refuse collection. Where this distance is exceeded, please provide turning heads within the site
- Where a development is situated more than 45m from the highway, emergency vehicles must be catered for by constructing the drive and any turning areas so they can accommodate commercial or service vehicles. The minimum width for access should be at least 3.7m (between kerbs) and fire vehicles should not have to reverse more than 20m. Development must be in line with British Standard BS5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006
- Consideration of root barrier/deflection treatment will be required when proposing trees/shrubs adjacent to the footway.
- At this stage it is not possible to comment on the vertical alignment, drainage, materials or proposed construction details.

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 Nineteen47 drawing number BL-008 Rev. C. 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 (2026).

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 (2026).

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 (2026).

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 (2026).

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 (2026).

Informative

- If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.

- 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).
- All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>.

Date Received
20 August 2026

Case Officer
Ben Dutton

Reviewer
DH

Date issued
3 September 2026