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

Leicestershire County Council

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

APPLICATION DETAILS

Planning Application Number: 25/00601/NMA

Highway Reference Number: 2025/0601/04/H

Application Address: Land off Sketchley Lane Burbage Leicestershire

Application Type: Non-material amendment

Description of Application: Non material amendment to condition 22 on planning permission 21/01131/OUT to amend the trigger for implementation of off-site highway works from 9 months after 1st occupation to prior to the 25th occupation

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GENERAL DETAILS

Planning Case Officer: Sullevan Archer

Applicant: 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:

No objection

No objection to the non-material amendment of Condition 22

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) have been consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on an application for the non-material amendment to condition 22 on planning permission 21/01131/OUT to amend the trigger for implementation of off-site highway works from nine months after first occupation to prior to the 25th occupation.

The LHA previously accepted a non-material amendment of condition 22 to allow the offsite highway works to be implemented in full nine months following first occupation of dwellings as part of application reference 24/00920/NMA. This was instead of prior to first occupation of the development.

Condition 22

The current wording of Condition 22 is provided below:

The offsite works shown on Stantec drawing number 332010596-700-001 Rev A shall be implemented in full 9 months following the first occupation of the dwellings.

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).

The Applicant proposes to re-word condition 22 to:

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 25th occupation.

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).

Highways Comments:

As part of the previous application, it was stated by the Applicant they would need to close Sketchley Lane to traffic around the Christmas period to comply with Condition 22. It was stated there is a restriction on highway works during that time and that the Applicant also did not wish to disrupt the nearby hotel during their pre-booked festive period.

As part of the current application, the Applicant has submitted a covering letter which states:

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 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 not 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.

Date Received	Case Officer	Reviewer	Date issued
4 July 2025	Ben Dutton	DH	21 July 2025