

**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.

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**APPLICATION DETAILS**

Planning Application Number: P/22/1031/2

Highway Reference Number: 2022/1031/02/H/R8

Application Address: Land South of Markfield Lane Field Head Leicestershire LE67 9PQ

Application Type: Outline (with access)

Description of Application: Re-consultation. OUTLINE planning application for the demolition of 287 Markfield Lane, and the development of up to 150 dwellings, together with open space and drainage infrastructure (All Matters Reserved except Access)

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**GENERAL DETAILS**

Planning Case Officer: Linda Walker

Applicant: Davidsons Developments Limited

County Councillor: Cllr Ozzy O'Shea

Parish: Groby

Road Classification: Class C

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**Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:**

This proposed development is contrary to the spatial strategy of the adopted Local Plan and depends for its policy validation on the emerging Charnwood Local Plan. Although the draft Local Plan is at a late stage, there are unresolved objections by third parties to the proposed strategy for dealing with cumulative transport impacts. Leicestershire County Council (LCC), as Local Highway Authority (LHA), consider these objections, which are as yet unresolved, to be both significant and important, and in line with its consistently raised concerns about the impact of a dispersed strategy for growth.

Representations were made to the Local Plan Inspectors for the growth strategy to be endorsed based on a position previously understood by the LHA to have been agreed between it and Charnwood Borough Council (CBC) as Local Planning Authority (LPA). However, since then, on 13th September 2024 the LPA issued a statement to the effect that the LHA's requests cannot meet the tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, which fundamentally alters the basis on which the LHA issues its formal observations. This change of position, which has not so far been tested as part of the Local Plan Examination, makes it inherently difficult to seek contributions from future plan-led development towards collective impacts and the need for sustainable transport solutions.

The LPA has acknowledged, in a letter to the Local Plan Inspectors dated 4th October 2024, that it considers a CIL scheme is now necessary. The initial response to this from the Local Plan Inspectors dated 5th November 2024 sets out the requirement for further viability assessment work to be undertaken.

As LHA, LCC agrees that a CIL is the appropriate delivery mechanism to mitigate the cumulative transport growth in the Charnwood area, alongside mitigating the impact of growth in the Borough overall and has written to the Local Plan Inspectors on 11th October 2024 on this basis.

LCC has also notified the Inspectors that until a firm commitment to an expedited CIL process is in place, endorsed by a clear policy directive by the Planning Inspectorate as part of its findings on the Local Plan, it is the LHA's view that any further planning applications seeking to be determined in advance of the examining Inspector's report should be considered as premature.

The LHA considers the cumulative effects of this development, together with other similar development/s proposed in the draft Local Plan, predetermine decisions about scale, location and/or phasing and by determining it will be likely to prejudice the process of ensuring that the Local Plan's growth strategy is sound. It therefore recommends that it should be treated as premature. Should any further relevant information be forthcoming from CBC, the LHA would review this position.

Notwithstanding the above, if in advance of any published committee date there is any relevant change in position in relation to the emerging Local Plan, the LHA reserve the right to issue revised observations.

### **Advice to Local Planning Authority**

#### **Background**

The Local Highway Authority (LHA) has been re-consulted on an outline planning application for the demolition of 287 Markfield Lane, and the now reduced development of up to 115 dwellings, together with open space and drainage infrastructure (with all matters reserved except for access). The site is located on land south of Markfield Lane, Field Head.

The LHA provided pre application advice in response to a submitted scoping note for the proposed development on 22nd March 2022.

This is the LHA's ninth formal response to the planning application, its eighth advising approval subject to conditions and contributions issued on 19th July 2024. It was considered that all highway matters were resolved with the LHA's commentary on those matters available in previously issued observations dated 19th July 2024 and 27th October 2023.

These highway observations have been prepared in response to the submission of a draft, unsigned unilateral undertaking agreement (UU) to secure the pedestrian and cycle path linking the development site to Leicester Road as the pedestrian and cycle path is outside of Charnwood Borough Boundary and within Hinckley and Bosworth Borough Council boundary. This submission does not alter the LHA's previous position regarding this matter. Therefore, as per the LHA's previous observations, the LHA advise that following dialogue with the LPA, it agreed conditions to secure this route. The conditions, remain unchanged following this submission, and are listed within the relevant section below alongside the conditions previously advised on 19th July 2024.

#### **Conditions**

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC Infrastructure 'Proposed Access Junction Layout' drawing (reference number ADC1970-DR-003 Rev. P8) have been implemented in full. Visibility

splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2024).

2. The development hereby permitted shall not be occupied until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) 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 (December 2024).

3. No part of the development shall be occupied until such time as the offsite works shown on ADC Infrastructure 'Bus Stop Improvements Markfield Lane' drawing (reference number ADC1970-DR-004 Rev. P05) have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (December 2024).

4. Notwithstanding the submitted plans, the access fronting Leicester Road shall have a width of a minimum of 3.4 metres, a gradient of no more than 1:20 for a distance of at least 5.0 & metres behind the highway boundary and shall be surfaced in a bound material with a 3.7 metres (4 dropped kerbs) dropped crossing. The access once provided shall be so maintained at all times.

REASON: To ensure a safe and suitable form of access to the site in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2024).

5. Notwithstanding the submitted plans, a minimum 3.0 metres shared pedestrian/cycleway shall be provided connecting the site's internal layout and the access fronting Leicester Road. Control measures (i.e. gates, barriers, bollards, chains or other such obstructions) shall be erected between the internal layout and the access fronting Leicester Road so as to prevent vehicular traffic from the development utilising the Leicester Road access.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2024) and in the interests of general highways safety as a more traffic-intensive use of this access would be inappropriate due to the limitations of the vehicular access.

6. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

7. No part of the development hereby permitted shall be first occupied until the ADC Infrastructure Travel Plan (report reference ADC1970-RP-C Version 6) which sets out actions and measures with quantifiable outputs and outcome targets has been implemented in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2024).

### **Contributions**

Notwithstanding the LHAs concerns over the determination of this application at this time and recommendation to the LPA that it should be treated as premature and deferred, to comply with Government guidance in the National Planning Policy Framework (NPPF) and commensurate with Leicestershire County Council Planning Obligations Policy, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, reducing private car use and mitigating a severe impact upon the highway:

- A. Travel Plan Monitoring Fee via MODESHIFT STARSfor. The Applicant is advised that the required for this site will be the sum of £6000.00.

JUSTIFICATION: To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.

- B. Travel Packs: to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which would attract an administration charge of £500.

JUSTIFICATION: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area.

- C. Six month bus passes, two per dwelling (application form to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (approximately) £650.00 per pass (cost to be confirmed at implementation)).

JUSTIFICATION: To encourage residents to use bus services as an alternative to the private car.

- D. A contribution of £4,884.00 per dwelling towards transport infrastructure contained within the Coalville Transport Strategy.

JUSTIFICATION: To mitigate the otherwise severe impact of the development on the A511/A50 corridor.

### **Informatives**

- It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
- Planning Permission does not give you approval to work on the public highway. To carry out offsite works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. 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 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](mailto:road.adoptions@leics.gov.uk) in the first instance.
- The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk)
- The existing boundary hedge/tree line directly bordering the development is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with the public highway (whether or not a fence is installed in front of it).

**Date Received**  
**6 February 2025**

**Case Officer**  
**Dan Green**

**Reviewer**  
**RD**

**Date issued**  
**24 February 2025**