

**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: 23/00813/HOU

Highway Reference Number: 2023/0813/04/H

Application Address: The Homestead Thornton Lane Markfield Leicestershire LE67 9RP

Application Type: Householder

Description of Application:

Two storey side and rear extensions, detached garage, re-location of vehicular access and new boundary front wall

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**GENERAL DETAILS**

Planning Case Officer: Richard Wright

Applicant: Mr Nitesh Devji

County Councillor: Cllr Peter Bedford

Parish: Markfield

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:**

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 paragraph 111 of the National Planning Policy Framework (2023), subject to the conditions and/or planning obligations outlined in this report.

**Advice to Local Planning Authority**

**Background**

The Local Highway Authority (LHA) have been consulted on householder application 23/00813/HOU which is for the proposed two storey side and rear extensions, detached garage, re-location of vehicular access and new front boundary wall. The proposals are at The Homestead, Thornton Lane, Markfield, Leicestershire, LE67 9RP.

The LHA are aware of application reference 23/00035/HOU, for similar proposals, which was granted planning permission by the Local Planning Authority on 15 March 2023. Given the proposals appear very similar, with the same access arrangements proposed, the LHA advises its observations submitted as part of that application dated 15 March 2023 remain in full.

## **Conditions**

1. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 2.75 metres and shall be surfaced in a bound material for a minimum of 5m behind the highway boundary, with a dropped crossing of 7 dropped kerbs, measuring 6.4m. The access once provided shall be so maintained at all times.

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 (2023).

2. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on Thornton Lane that becomes redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2023).

3. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 160 metres have been provided at the site access. These 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 afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2023).

4. 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 re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

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 (2023).

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Garage Plans & Elevations & Site Plans', drawing number BTH 20 003 Rev B. Thereafter the onsite parking and turning provision shall be kept available for such uses 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 (2023).

## **Informative**

- a) Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
- b) The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- c) The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- d) If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
- e) Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.  
Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. 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.

**Date Received**  
**24 August 2023**

**Case Officer**  
**Ben Dutton**

**Reviewer**  
**DH**

**Date issued**  
**14 September 2023**