

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: 25/01208/REM

Highway Reference Number: 2025/1208/04/H/R1

Application Address: Land North East Of Ashby Road Markfield Leicestershire LE67 9UB

Application Type: Reserved Matters

Description of Application: Re-consultation. Approval of reserved matters (layout, scale, appearance and landscaping) of outline planning permission 21/00787/OUT for the residential development of up to 93 dwellings, public open space, landscaping and SuDS (cross boundary application with Charnwood BC).

GENERAL DETAILS

Planning Case Officer: Hinckley and Bosworth Borough Council

Applicant: Allison Homes c/o Marrons

County Councillor: Markfield, Desford & Thornton ED - Charles Whitford CC

Parish: Markfield

Road Classification: Class C

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 does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) have been consulted by the Local Planning Authority (LPA) on a Reserved Matters application relating to layout, scale, appearance and landscaping of Outline Application ref: 21/00787/OUT for up to 93 dwellings, public open space, landscaping and associated works at Land at Ashby Road, Markfield.

Details regarding the site access, highway safety, trip generation, junction capacity assessments, transport sustainability and any contributions were confirmed and finalised during the outline planning application, reference 21/00787/OUT. Therefore, the LHA will only provide comments on layout matters.

The LHA have provided pre-application advice regarding a forthcoming reserved matters application in October 2025.

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):

- Drawing n2159 008-05 Rev. C
- Drawing n2159 008-04 Rev. C
- Drawing n2159 008 Rev. C
- Drawing n2159 009 Rev. C
- Drawing n2159 006 Rev. C
- Drawing 3001-A05
- Drawing 3002-A06
- Drawing 3000-A05

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 consider that the internal layout does not accord with the LHDG and the site is therefore not suitable for planning permission as currently proposed. The Applicant should therefore consider the following points:

- Parking should be provided as two spaces per dwelling for plots with three bedrooms or less and three spaces per dwelling for plots with four or more bedrooms as per Table 28 of the LHDG. Parking spaces should measure 2.4 x 5.5m and avoid tandem layouts where possible. Visitor parking is also required for residential developments of more than 10 dwellings on a basis of 0.25 spaces per dwelling. Whilst bay sizes now appear to be appropriate, the LHA advises that on-plot parking should be located as close to a dwelling as possible and therefore a review of parking at Plots 85-90 should be provided.
- The junction serving the private drive including Plots 61-53 is not suitable, as it serves no highway purpose. As such the private drive serving Plots 61-53 can be extended to the carriageway.

- The road serving Plots 14 and 23 is not suitable for adoption, as this does not directly serve at least 6 properties, as such the road should be made private.
- To reduce carry distance for private drives, bin collection points have been added to the drawing. Currently there are bin collection points, also shown on vehicle tracking, that sit within private drives that are drawn at 4.8m width. All private drives that will require refuse vehicle services should be shown as at least 5.0m wide, as far as the vehicle is expected to go for road widths to accord with Figure 17 of the LHDG. Furthermore, some bin collection point locations vary from drawing to drawing. These locations should be drawn consistently across all plans.

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

- Speed control measures will need to be correctly designed into the road layout. In this instance, the bend of outside Plot 35 should have an 8.0m radius (as a maximum) to be considered a traffic calming measure. Furthermore, the traffic has been overcalmed elsewhere in the development, with the raised tables sitting too close to one-another. Further information can be found in the Leicestershire Highway Design Guide (LHDG) Table 20.
- The turning heads are unnecessarily large, serve no highway purpose, and do not need to be extended beyond the radii. The Applicant is requested to shorten the turning head to just beyond the tangent points of the radii and extend the private drives to suit. The radii of the turning heads are required to be 8.0m and a 1.0m service margin is required around the southern turning head, further information can be found within Figure 12 of the LHDG.
- Forward visibility splays are required, and the areas within the splays should be conveyed as highway at the bend outside Plot 35, in accordance with the LHDG. This should also be completed for the new bend outside Plot 55. On this note, if demonstrated that the design speed at the bend outside Plot 55 is 15mph design speed, the LHA would be willing to accept 17m forward visibility splays. For further information, please see Figure 8 of the LHDG.

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:

- The turning head outside Plot 55 should be a bend rather than the turning head shown, and the adjacent private drive can be extended to suit.

The Applicant is advised to note the following points:

- Any isolated and/or interconnecting footpaths would not typically be considered for adoption and usually are maintained by a management company. If they were to be offered for adoption, they may incur an additional commuted sum.
- Tactile paved uncontrolled pedestrian crossings should be provided and shown at junctions/where appropriate. e.g. at PROW crossings.
- The tree species will need to be agreed, to ensure a clear stem height, as to not impede on highway users' visibility. This will be checked further and approved at the S38 stage.
- Consideration of root barrier/deflection treatment will be required when proposing trees/shrubs adjacent to the footway. This will be checked further and approved at the S38 stage.
- The carry distance for some householders on private drives exceeds the ideal maximum of 30m by quite some distance.

Date Received
23 June 2026

Case Officer
Dan Green

Reviewer
GG

Date issued
07 July 2026