

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/R2

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 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 116 of the National Planning Policy Framework (2024), 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 reconsulted 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 Rev. M
- Drawing n2159 009 Rev. D
- Drawing n2159 008-02 Rev. D
- Drawing n2159 008-04 Rev. D
- Drawing n2159 008-05 Rev. D
- Drawing n2159 008-06 Rev. D
- Drawing 3002-A06
- Drawing 3001-A06
- Drawing 3000-A06

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 whilst internal layout does not accord fully with the LHDG, the site is suitable for planning permission as currently proposed. The LHA notes 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. The LHA are satisfied that parking is provided in accordance with local design guidance.

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:

- Speed control measures will need to be correctly designed into the road layout. In this instance, the build-out opposite Plot 32 is not an acceptable design to the LHA. Furthermore, the inclusion of the build-out, which should be removed, would result in a proliferation of calming features therefore the Applicant should adjust the design accordingly. The LHA would suggest readjusting the speed table to meet the 60m requirement of the site. Ramps to the table should not fall in front of driveways or crossings. Further information can be found in the Table 20 of the LHDG.
- Forward visibility splays have been supplied and are acceptable. Please bear this in mind when adjusting the speed table in relation to the comment above.
- A 1.0m service margin should be shown around the entirety of the turning head. Further information can be found within Figure 12 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 LHA note that an additional bin collection point has been added to the refuse vehicle tracking drawing, to reduce carry distances – this should also be added to the technical layout, for clarity.

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.

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 Drawing n2159 008 Rev. M. 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 (2024).

2. Notwithstanding the submitted plans, any new / replacement windows and/or doors within 1.0 metres of the highway shall not open so to overhang the public highway and shall thereafter be maintained in perpetuity.

REASON: In the general interest of highway safety in accordance with the National Planning Policy Framework (2024).

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 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 ensuring 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).
- Where an open watercourse or ditch is in close proximity to the footprint of any works, or directly affected by the proposals, the design will be required to reflect the requirements of Part 3 of Leicestershire County Council's Ordinary Watercourse Regulation and Culvert Policy. Further information is available at <https://www.leicestershire.gov.uk/sites/default/files/2024-02/Leicestershire-Ordinary-Watercourse-Regulation-and-Culvert-Policy.pdf>.
- Planning Permission is required for any construction access onto a classified road, unless it is in strict accordance with the development access planning approval. To carry out off-site works associated with a construction access onto a classified road, 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. However, if planning consent has not been secured in respect of the construction access, the section 184 application will be refused.

Date Received
24 July 2026

Case Officer
Dan Green

Reviewer
GG

Date issued
7 August 2026