

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: 26/00325/FUL

Highway Reference Number: 2026/0325/04/H

Application Address: 36 London Road Markfield Leicestershire LE67 9UR

Application Type: Full

Description of Application: Dropped kerb and vehicle access for parking

GENERAL DETAILS

Planning Case Officer: Gwion Russell

Applicant: Mrs Dena Abbott

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 the impacts of the development on road safety are unacceptable, contrary to the National Planning Policy Framework (2024), and the Local Planning Authority is advised to consider refusal on transport/highway grounds for the reasons outlined in this report.

- 1. The Applicant has failed to demonstrate that safe and suitable access for all users would be provided. The proposals are therefore contrary to Paragraphs 115 and 116 of the National Planning Policy Framework (2024).**
- 2. If permitted, the proposals would lead to the formation of an access with sub-standard vehicular and pedestrian visibility splays, which is not in the interests of highway safety and contrary to paragraphs 115 and 116 of the National Planning Policy Framework (2024).**

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been consulted by the Local Planning Authority (LPA), on a full application for dropped kerb and vehicle access for parking at 36 London Road Markfield Leicestershire LE67 9UR.

The LHA have reviewed the following documents that have been submitted by the Applicant in support of the proposals:

- Application form (dated 06/04/2026)
- Site Plan and Dropped Kerb Details (Drawing number 25/441 LRPO3)
- Site Location Plan & Block Plan (Drawing number 25/441 LRPO2 Rev B)
- Planning Statement & Design and Access Statement

The LHA acknowledges the relevant planning history at the site which is noted below:

- 25/01057/HOU - 1.5 storey side extension with rear dormer (Permitted - April 2026)

It should be noted that officers from the LHA conducted a site visit on Wednesday 6th May 2026.

During the site visit, officers from the LHA noted a vehicle parked within the front curtilage of 36 London Road. Given there is no dropped kerb, the vehicle must have crossed a raised kerb to access. The LHA would like to remind the Applicant that it is an offence under Section 184 of the Highways Act 1980, to cross a kerb, verge or footway in a motor vehicle except at a crossing point that has been approved by the relevant LHA, in this case Leicestershire County Council (LCC).

Site Access

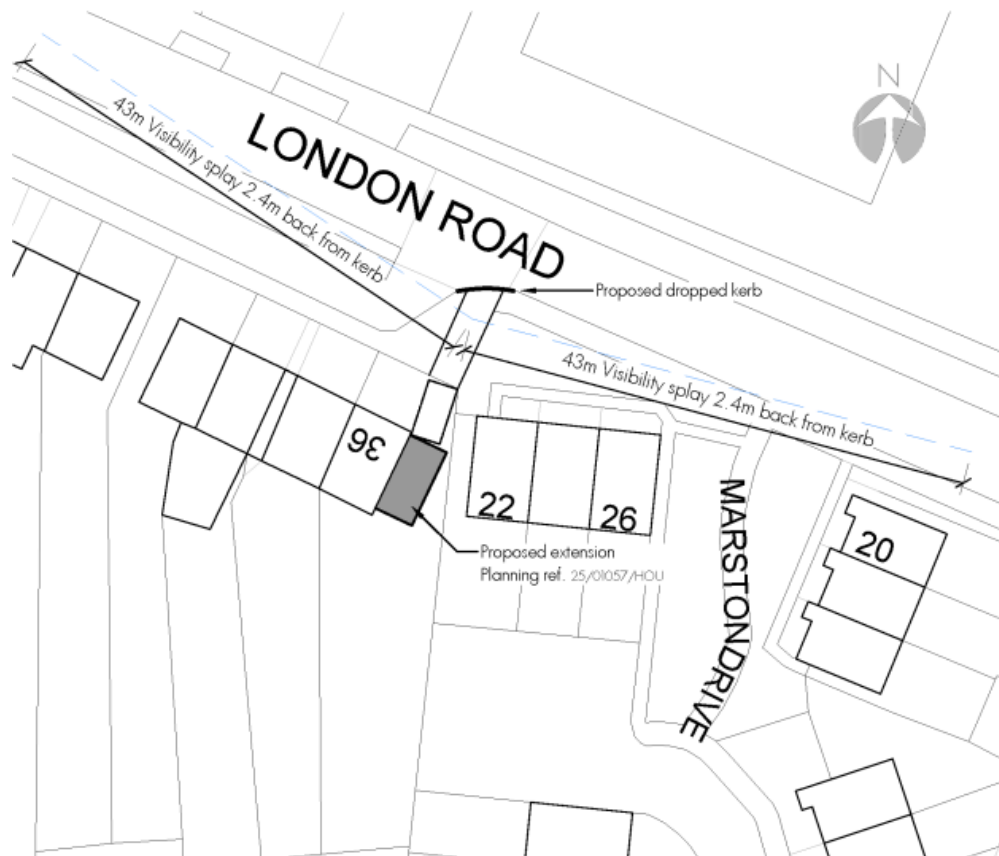
It is proposed to create a new vehicular access onto London Road which is a C classified road subject to a 30mph speed limit by virtue of a Traffic Regulation Order (TRO). Two metres south-east from the proposed access, London Road becomes subject to a 40mph speed limit.

A new access on a classified road should be 7 kerbs wide (2 transition kerbs either side of 5 flush kerbs) in accordance with [Table 13](#) of the [Leicestershire Highway Design Guide \(LHDG\)](#).

Location of Proposed Access

The LHA understand from the Site Plan and Dropped Kerb Details (Drawing number 25/441 LRPO3) that the Applicant is proposing a new vehicular access within the junction radii between London Road and the parallel service road. This can be seen in the extract from the drawing overleaf.

The LHA also includes a photograph of the site overleaf.



The LHA would raise the following highway safety concerns with the location of the proposed dropped kerb and vehicle parking:

- (a) It should be noted that the LHDG states that vehicle accesses should not be provided on to the corners (radii) of a junction. More information can be found [here](#) in the LHDG under 'Private Access Restrictions'. The LHA consider the introduction of a new access on a junction radius to be unacceptable on highway safety grounds, given that the required manoeuvre can be more complex as well as unexpected or misinterpreted by other motorists and road users, to the detriment of highway safety for all users contrary to paragraphs 115 and 116 of the NPPF (2024).
- (b) Drivers anticipating turning into the service road junction would be required to undertake a series of complex manoeuvres including deceleration and steering. This process also includes observation of both oncoming traffic and surrounding activity on London Road as well as the service road. The LHA believe that the location of the proposed vehicular access could cause confusion for other drivers. For example, a vehicle turning into the proposed development may need to slow down suddenly to prepare for the turning manoeuvre. Drivers following behind could misjudge where the vehicle intends to turn and assume that the vehicle is turning into the service road. Similarly, a vehicle entering the service road could be confronted suddenly by a vehicle leaving the proposed access, needing to stop or slow down suddenly. Such misunderstanding could delay the drivers' reaction times and increase the likelihood of 'rear-shunt' collisions.
- (c) As the Applicant is proposing to introduce the vehicular access on the junction radii, the LHA believe that the access would not be perpendicular to the highway. As such, vehicles would not egress or access the site at 90° to the highway. This could promote complex manoeuvres in a highway with high traffic flows, to the detriment of highway safety for all users contrary to paragraphs 115 and 116 of the NPPF (2024).
- (d) In addition, the LHA believe that the introduction of a new vehicular access in the proposed location could also cause confusion for pedestrians travelling on the footway. If a vehicle were to access the development site via the proposed access, pedestrians travelling on the footway may believe that the vehicle is intending to turn onto the service road, not the proposed access. As a result, pedestrians could continue travelling on the footpath, which could increase the risk of collisions, detriment to their highway safety contrary to paragraphs 115 and 116 of the NPPF (2024).

Due to the reasons outlined above, the LHA believe that the introduction of the new access would be to the detriment of highway safety for all users, contrary to paragraphs 115 and 116 of the NPPF (2024).

It should also be noted that based on available records to the LHA, the access may cross through third-party land. Much of the verge, fronting the site and the newer dwellings to the east, does not form part of the adopted highway. Whilst the entire access is included within the Applicant's red line boundary, it is unclear if the Applicant is aware of this. However, the LHA note that this is not a material consideration.

Whilst also not a planning matter, it is noted that there appear to be utility services located within the footway which would form part of the proposed vehicular access. If the proposed access were to go over any third-party services i.e. manhole covers, the Applicant would need to ensure that they would be suitably designed to cater for vehicular traffic as most service access covers within highway verge or footway are designed for pedestrian loading only. The Applicant would need to carry out surveys and any upgrade works identified. All costs associated with the surveys and any works required would be the responsibility of the Applicant.

Visibility splays

For any new vehicular access onto the public highway, the LHA would typically expect a drawing demonstrating visibility splays in accordance with [Table 6](#) of the LHDG. The LHA would require for roads where measured 85th percentile speeds are between 26-30mph, a visibility splay of 2.4 metres x 43 metres.

As previously mentioned, two metres south-east from the proposed access, London Road converts from a 30mph to a 40mph speed limit. The Applicant has not submitted any evidence such as a speed survey to demonstrate if the 30mph speed limit is adhered to in this location and that such splays would be appropriate.

The LHA welcome the scaled drawing that the Applicant has submitted demonstrating visibility splays (Site Plan and Dropped Kerb Details Drawing number 25/441 LRPO3), but it is noted that the splays have been drawn incorrectly at a 5 metre setback rather than at a 2.4 metre setback. As such, the LHA have therefore conducted their own assessment calculating the maximum achievable visibility.

The LHA have calculated the maximum achievable visibility of 2.4 metre x 0 metre (nil) in both directions due to being on third-party land at a 2.4 metre setback. It should be noted that where visibility splays cross third-party land, the Applicant has no control over the splays remaining available in perpetuity, and as such, this is not acceptable to the LHA. The proposed access is therefore significantly substandard in visibility as it could not be maintained in perpetuity, which is to the detriment of highway safety and contrary to Paragraphs 115 and 116 of the NPPF (2024).

The LHA note that pedestrian visibility has not been demonstrated by the Applicant in accordance with [Table 13](#) of the LHDG. For this site-specific location, minimum pedestrian visibility splays of 2 metre x 2 metre should be provided at the site access due to the presence of the nearby primary school. The LHA have conducted their own assessment and do not believe that pedestrian visibility splays of 2 metres x 2 metres can be achieved without crossing over third-party land and therefore cannot be maintained in perpetuity. The proposed access is therefore significantly substandard in pedestrian visibility which is to the detriment of highway safety of pedestrians, and contrary to Paragraphs 115 and 116 of the NPPF (2024).

Turning provision

As per [Figure 17](#) of the LHDG, turning facilities are required where a proposed development takes access from a road subject to speed limits less than 40 mph on any road carrying 300 vehicles per hour at its peak. Whilst no information has been submitted by the Applicant, the LHA have reviewed survey data from 6th to 14th March 2019 undertaken on London Road, Markfield, approximately 74m south-east of the site. Whilst this data is too old to be relied upon, it does provide an indication of the likely traffic flows on London Road. The Average Daily Traffic (ADT) in 2019 was 3,178 and the LHA expect that flows currently would be equivalent or greater due to changes in the surrounding area. At this site-specific location, the LHA would expect a turning facility to be provided, but due to a lack of space within the curtilage of 36 London Road Markfield Leicestershire LE67 9UR and the presence of third-party land, the LHA believes that this cannot be achieved.

Given the high number of recorded flows along London Road and the proximity of the junction of London Road and the service road, this would present a highway safety concern and prevents the delivery of a safe and suitable access as required by Paragraph 115 of the NPPF (2024).

Further considerations

Irrespective of planning permission, the Applicant would need to apply to Leicestershire County Council (LCC) to create a new vehicular access onto the adopted highway network. Further information on this is contained within the Vehicular Access (VA) (Dropped Kerbs) Information Pack - <https://www.leicestershire.gov.uk/sites/default/files/2024-06/Vehicle-access-dropped-kerbs-pre-application-checklist.pdf>. This process comes with its own criteria which must be met in order to obtain the necessary works permit subject to planning permission.

It should be noted that irrespective of whether planning permission is granted the permit would be unlikely to be provided. This is because the proposals would not meet the necessary criterion in respect of questions 7,8 and 12 of the checklist regarding parking dimensions, proximity to the junction, and visibility requirements.

Highway Safety

Three Personal Injury Collisions (PICs) have been recorded within 500 metres in either direction of the proposed access in the last five years. These were classified as 'slight' in severity.

One PIC occurred in 2024 and within 132m to the north-west of the proposed access. From the collision information recorded and available to the LHA, a vehicle reversed from London Road and collided with a pedestrian. This represents one of the collision types that the LHA are explicitly concerned about further such incidents occurring given the positioning of the access and lack of sufficient pedestrian visibility splays.

The LHA are not satisfied that the proposals would not increase the risk of collisions occurring as a safe and suitable access has not been demonstrated, contrary to paragraph 115 of the NPPF (2024).

Internal Layout

The LHA note from the Proposed Site Plan and Dropped Kerb Details (Drawing number 25/441 LRPO3) that the Applicant is proposing an off-street parking space as part of the proposals. Notwithstanding this, the LHA assumes from the Design and Access Statement that the Applicant is intending to have two cars on the driveway although one parking space has been proposed:

"The statutory dimensions for parking space standards would mean that there is enough space to provide a parking space for only one car but realistically at least two cars would fit on the space in front of the house."

As per [Figure 44](#) of the LHDG, the LHA typically expect off-street parking spaces to have the minimum dimensions of 2.4 metres x 5.5 metres (with 0.5 metres added to each side bound by a wall, hedge, fence, line of trees, etc).

The LHA have calculated from the Proposed Site Plan within the Site Plan and Dropped Kerb Details that the proposed off-street parking space measures 4.3 metres x 2.5 metres, not 4.84 metres x 2.5 metres as annotated on the drawing.

The LHA note that the proposed parking space is bound on one side by the fence. As such, the LHA would expect the width of the off-street parking space to have a minimum of 2.9 metres. The LHA understand that this cannot be achieved due to the limited space and presence of potential third-party land.

In addition, Figure 8.18 of the [Manual for Streets \(MfS\)](#) states that the absolute minimum length for an off-street parking space is 4.8 metres. As the proposed parking space measures less than this minimum, it should not be considered usable.

Therefore, referring back to the quote above from the Design and Access Statement, the provision of two off-street parking spaces would not be considered acceptable, given that the proposed parking space fails to meet the minimum dimensional standards and cannot reasonably accommodate two vehicles in accordance with the LHDG or MfS.

Conclusion

The LHA advises the LPA that the application should be refused on the grounds of highway safety as a safe and suitable access has not been appropriately demonstrated in accordance with paragraph 115 of the NPPF (2024) for the reasons set out in these observations. The LHA considers for the above reasons this therefore forms an 'unacceptable impact on highway safety' in the context of paragraph 116 of the NPPF (2024). The LHA would therefore advise the LPA that the application should be refused.

Date Received
20 April 2026

Case Officer
Ania Mokrani

Reviewer
AW

Date issued
3 June 2026