

**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: 25/01208/REM

Highway Reference Number: 2025/1208/04/H

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

Application Type: Reserved Matters

Description of Application: 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).

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**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

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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 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 drawings:

- Drawing n2159 008-05 Rev. A
- Drawing n2159 008 Rev. A
- Drawing n2159 009 Rev. A
- Drawing 3001-A01
- Drawing 3002-A02
- Drawing 3000-A01

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. The LHA consider that the widths of the parking bays should be reviewed throughout the layout and visibility should be ensured given landscaping proposals.

### 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:

- The Applicant should ensure the carriageway geometry accords with Table 3 of the LHDG, in particular 'Residential Access Road (Secondary & Local Streets)'. Larger width carriageways may potentially be acceptable to futureproof the site and allow for expansion down the line but would incur commuted sums.
- The Junction serving the private drive including Plot 7 serves no highway purpose, therefore should be removed, the carriageway straightened, and the private drive serving plots 7 to 13 can be extended to suit.
- Speed control measures will need to be designed into the road layout along the Primary Street. In this instance, the maximum distance between speed control measures, junctions or 90-degree bends is approx. either 60m or 40m depending on the design speed/type of road. Further information can be found in Table 20 of the LHDG and should not conflict with any driveways. Additionally, the radius of the verge should be 6.0m
- 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 of The Green, in accordance with the LHDG. Further information can be found within Figure 8 of the LHDG.
- Bend widening should be implemented at the bend of The Green, in line with Table 7 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:

- 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**  
**13 January 2026**

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

**Reviewer**  
**GG**

**Date issued**  
**06 February 2026**