

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: 26/00097/CONDIT

Highway Reference Number: 2026/0097/04/H/R2

Application Address: Land North Of Hill Top Farm Hill Top Earl Shilton Leicestershire

Application Type: Variation of Condition (s73)

Description of Application: Re-consultation. Application to vary condition 21 (access arrangements) and 23 (offsite highway works) of planning permission 21/00135/OUT. Amendments required due to S278 technical approval

GENERAL DETAILS

Planning Case Officer: Ashleigh Gade

Applicant: Mr Lewis Monksfield

County Councillor: Earl Shilton ED - Martin Richard England CC

Parish: Earl Shilton

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:

Objection

Objection to Discharge of Conditions 21 and 23.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been re-consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on an application to vary condition 21 (access arrangements) and 23 (offsite highway works) of planning permission 21/00135/OUT. The LHA previously advised it objected to the variation of both conditions on 22nd April and 24th July 2026.

The LHA has reviewed the following document submitted by the Applicant with the view to resolve the LHA's previous comments:

- Technical Note (TN) dated 17th August 2026 (reference 09924-TN-03 and authored by PJA)

Condition 21

For the avoidance of doubt, condition 21 is provided below:

No part of the development hereby permitted shall be occupied until such time as the access Arrangements shown on Prime drawing number P21008-100-2 Rev D have been implemented in full.

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 (2021).

Highways Comments:

The LHA previously noted the submitted application form states the Applicant wishes the condition to be varied to:

No part of the development hereby permitted shall be occupied until the approved Section 184 access Ref 24000-190D/191C & 192A has been fully implemented to allow access to the site.

However, the previously submitted Technical Note (TN) stated that they wish for 'up to 50% of the proposed development', rather than 'no part' of the development to be occupied to allow the Section 278 (S278) works to be refined and given that they believe a suitable access exists at present in the interim period.

The Applicant has now clarified in the latest TN that the intention is to construct the access prior to 50% occupation. Furthermore, it is stated the access arrangements that have been constructed to date match those on the drawing.

Condition 23

For the avoidance of doubt, condition 23 is provided below:

No part of the development shall be occupied until such time as the offsite works, the shared use footway and uncontrolled pedestrian crossing point shown in general accordance with Prime drawing number Prime drawing number P21008-100-2 Rev D have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

Highways Comments:

The Applicant has now changed the suggested trigger point for the off-site works to prior to 50% of occupation and submitted PJA drawing number 09924.GA.01 Rev. C. In addition, a revised access/off-site works drawing has been submitted.

Comments on both Conditions 21 and 23

The LHA advises the following points on PJA drawing number 09924.GA.01 Rev. C:

- The Applicant notes in the latest technical note 09924-TN-03 that more substantial road markings will be provided separating the two right turn lanes. These are not shown on the drawing, however the LHA is satisfied that this can be addressed at the detailed design stage of the scheme.
- The Applicant is now showing dragons teeth markings and 30mph roundels as requested. The exact details can be addressed at the detailed design stage of the scheme, as the dragon's teeth markings are not in accordance with Leicestershire Highway Design Guide (LHDG - <https://www.leicestershirehighwaydesignguide.uk/>) Standard Drawing SD-1200-48.

30mph roundels are also shown in both directions when they would only be required for southbound vehicles.

- The dimensions for the ghost island right turn lane, and the lane widths are still in accordance with the requirements of Design Manual for Roads and Bridges CD123.
- The Applicant states that alterations to the design of the Hill Top Farm access, namely the tactile paving, would fall under the S278 for that development. Drawing 09924.GA.01 rev C show the extents of the Hill Top Farm scheme in green, including the shared use cycleway between the Hill Top Farm access and Church Street. However, the latest detailed design submission for the Vistry site shows this shared use cycleway included as part of this scheme. The LHA believes that the Applicant will need to construct those works.

Overall, the LHA advises that the drawing is considered satisfactory and the further amendments could be made at the detailed design stage. Nevertheless, on the basis an appropriately designed alternative scheme to that approved originally as part of the outline application appears to cause little conflict with the S278 agreement to the new access to the south, the LHA request clarity as to why the Applicant could not construct all the access/ offsite works north of the southern access at an earlier stage or the timescales at which 50% occupancy is anticipated. The LHA believe it may be possible to install the northern half of the revised works, including the site access, ghost right turn lane, VAS and closure of the Shilton Road arm in spring 2027. This section of works could be installed regardless of the S278 to the south progressing. The Applicant would however need to re-word the proposed conditions to suit.

Given the works are required for highway safety, this would be highly preferable to the LHA. Works to the south to widen the footway and provide an uncontrolled pedestrian crossing point, which are more dependent on the S278 agreement to the south could be undertaken as per the suggested wording prior to occupation of 50% of the dwellings.

The LHA also wishes to advise the LPA and the Applicant that the proposed works at the access are likely to require full road closures. The greater the number of dwellings occupied at the site, the more conflict and disruption there will be for residents living on the site, as all vehicular access may need to be prohibited at times. This is of concern to the LHA. It would therefore be beneficial for the Applicant to bring the northern section of the works forward at the earliest opportunity.

Date Received
8 September 2026

Case Officer
Ben Dutton

Reviewer
DH

Date issued
22 September 2026