

**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/R1

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 the variation 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 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 25th June 2026 (reference 09924-TN-02 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 advised it should be 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 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 LHA notes the new TN does not answer this specific point regarding the wording of the condition.

It was also advised that the Applicant has not submitted drawing references 24000-190D/191C & 192A as part of the application, which would be required by the LHA. The Applicant has still not submitted these; however, the LHA has obtained a copy of the drawings as part of the S278 submission to Leicestershire County Council, but the Applicant should still submit these to the LPA for the Variation of Condition application.

The LHA notes the access which has been constructed appears to match the above drawings.

The LHA also advised that it would require swept path analysis of the proposed temporary access. The Applicant has stated that whilst there is more offsite work to deliver to provide the full S278 works on the mainline, the current access junction is in the form it will take in the final S278 works and is suitably wide enough to accommodate HGVs as required. The original tracking of those movements has been included within Appendix A of the TN. It is also stated the works make provision for pedestrians with a footway already provided to the south.

The LHA advise that any amendments to the temporary construction access would require a S278 agreement and would be subject to detailed design. It is still unclear however when the Applicant intends for the temporary access arrangements to be in place in full.

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 submitted application form states the Applicant wishes the condition to be varied to:

No more than 80% of the dwellings hereby permitted shall be occupied until the off-site works, including the shared-use footway and the uncontrolled pedestrian crossing point, as shown in general accordance with drawing 09924.GA.01 Rev A, have been implemented in full.

The LHA advises the Applicant has now submitted PJA drawing number 09924.GA.01 Rev B. The LHA previously advised the submitted drawing did not detail the off-site works which are required to the south of the development, including the uncontrolled pedestrian crossing point over Leicester Road to the Church Street junction, which would also need to be implemented at the same time. This is still the case with the current drawing; therefore, the drawing is not accepted by the LHA and further details of the works to the south are required.

The LHA previously raised concerns with regards to the proximity of the site access to the Shilton Road junction as part of application reference 21/00135/OUT and stated if works to this junction did not commence prior to occupation, this would be of concern. The Applicant has not addressed this concern. The LHA sees no reason why these works could not be undertaken in advance of any other off-site works at this stage.

Furthermore, there is little evidence to demonstrate why the proposed off-site works should be delayed until up to 80% of dwellings (112 dwellings) are occupied, which is a substantial number of dwellings out of the total 140.

The LHA advise the following comments on PJA drawing number 09924.GA.01 Rev B:

- As previously requested, a Stage 1 Road Safety Audit has been provided along with the designer's responses to the issues raised in the audit. The responses provided by the designer are accepted apart from for Problem 3.2.

For a road with potentially high vehicle speeds, the LHA consider more substantial road markings should be provided such as hatched markings. These are currently proposed on the latest plans submitted for the S278 Technical Approval.

- The Applicant has now detailed Vehicle Activated Signs (VAS) on the drawing. Whilst these are welcomed by the LHA, it is considered further measures such as dragon's teeth and 30mph markings should be provided at the new 30mph gateway. The precise locations of the VAS and gateway markings could be considered at detailed design.
- The LHA accepts that swept path analysis of the Hill Top Farm access is considered as part of that site. Further swept path analysis of the site access for this application site is no longer required following the updated drawing.
- The proposed 3m wide cycleway requires users to cross the proposed Hill Top Farm access. A wider width of crossing should be provided compared to that shown on the drawings, that is more in-line with the footway. The current crossing is off the desire line and would require

cyclists to undertake several tight turning manoeuvres. This was raised previously, however has not been considered by the Applicant.

The access arrangements would be subject to detailed design and a S278 agreement.

Notwithstanding the above, as previously advised, the LHA has concerns that construction of the site access/ ghost right turn lane following occupation of the site is likely to cause difficulties with residents accessing the site, given the works would most likely require a full road closure and this would be the single point of access to the site.

Given all the above, the LHA advises it currently objects to the variation of conditions 21 and 23.

Date Received
30 June 2026

Case Officer
Ben Dutton

Reviewer
DH

Date issued
24 July 2026