

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.

APPLICATION DETAILS

Planning Application Number: 24/00831/OUT

Highway Reference Number: 2024/0831/04/H/R1

Application Address: Land North Of Shenton Lane Market Bosworth Leicestershire

Application Type: Outline (with access)

Description of Application: Re-consultation. Outline planning application for the erection of up to 100 dwellings (including 40% affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) a vehicular access point and the demolition of one residential dwelling. All matters reserved except for means of access (re-submission of 22/00167/OUT)

GENERAL DETAILS

Planning Case Officer: Tim Hartley

Applicant: Gladman Developments

County Councillor: Bertie Harrison-Rushton

Parish: Market Bosworth

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) has been re-consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on an outline application for the erection of up to 100 dwellings on land north of Shenton Lane, Market Bosworth.

The LHA previously advised within its observations dated 14th November 2024 that further information was required from the Applicant in support of the application, notably:

- Confirmation of the vehicle speeds used for swept path analysis;
- Consideration as to how access to the site would be maintained for all vehicles at all times;
- Submission of a Stage 1 Road Safety Audit (including any private footway link to Shenton Lane), along with a Designer's Response to any problems raised and (if necessary) a revised drawing;

- Additional trip distribution analysis considering a scenario where the new one-way system is implemented in the centre of Market Bosworth;
- Further consideration of the committed development trips and the additional committed development outlined by the LHA, as well as the live application as a sensitivity test;
- Updated capacity assessments to reflect a scenario where the new one-way system is implemented in the centre of Market Bosworth; and
- Consideration of extending the additional 153 bus service along Station Road by liaising with Arriva.

The Applicant has submitted the following additional information with the view to resolving the LHA's outstanding points.

- Transport Assessment (Rev A, authored by Ashley Helme Associates and dated December 2024).

It should be noted that since the LHA previously commented on the proposals, the [Leicestershire Highway Design Guide](#) (LHDG) has been fully updated. Notwithstanding this, the updated guide does not alter previous advice given by the LHA and the advice provided within these observations would not have been different had the previous LHDG guidance been used.

Site Access

Site Access Design/ Swept Path Analysis

Details of the site access are shown on Ashley Helme Associates drawing number 1764/17 Rev B. and JPL drawing number 002810-JPL-ZZ-ZZ-DR-D-2001-S2 Rev C03. Swept Path Analysis (SPA) is shown on Ashley Helme drawing numbers 1764/SP/09A, 1764/SP/10A, and 1764/SP/11. All drawings are included within the 'Drawings' section of the Applicants TA. These have all been revised (if necessary) following a Stage 1 Road Safety Audit (RSA1).

As previously requested by the LHA, a RSA1 of the site access proposals has now been undertaken and is included within Appendix C of the TA. This highlights two problems with the site access design, including a lack of Road Restraint System alongside the proposed retaining wall and a lack of swept path analysis for appropriate vehicles.

The LHA accepts the Designer's Response that appropriate safety measures can be considered alongside the retaining wall at detailed design, in the event the proposals are granted planning permission by the LPA. The retaining wall will require further consideration at detailed design. SPA has also been submitted by the Applicant using a refuse collection vehicle length of 11.2m, with the Applicant confirming a design speed of 15kph.

Within the drawings section towards the end of the TA, the Applicant has detailed that an 11.2m length refuse vehicle, pantechnicon and fire appliance can navigate the proposed junction without overrunning the kerblines. The Applicant has also given further consideration to the likelihood of parked vehicles in the vicinity of the site access, considering historic aerial photographs taken between 1993 – 2003 and noting the location of all parked vehicles. SPA has then been undertaken as if all locations were occupied by a parked vehicle, which is considered by the Applicant to be an unlikely/ worst case scenario. The swept paths show a refuse collection vehicle (the largest of the three vehicles tested) could successfully navigate round the parked vehicles shown.

Notwithstanding the Applicants consideration of parked vehicles, the LHA has concerns that a refuse collection vehicle could not pass a parked vehicle and access the site if it was parked across the driveway of No. 33. Analysis with a vehicle parked opposite has also not been shown. On the day of the LHA's site visit, a parked vehicle was observed on the opposite side of the carriageway to No. 33/ 35. The LHA advise in the interests of highway safety and given the number of dwellings the proposals would serve, a junction protection scheme in the form of double yellow lines will be required around the proposed access and appropriate sections of the existing highway in order to ensure access for all vehicles is maintained.

The LHA is aware as part of application reference 22/00167/OUT, not being able to implement double yellow lines due to the uncertainty of the necessary public consultation was an argument within its refusal and at the public inquiry. Within the appeal decision (reference APP/K2420/W/23/3317090), the Planning Inspector concluded:

“Overall, I find that there is no substantive evidence that a TRO [Traffic Regulation Order] could not be made, given the improvement to highway safety that would result from the removal of 2 car parking spaces from Shenton Lane.”

When considering the appeal decision and the fact parking in the vicinity of the new junction would be Contravening Rule 243 of the Highway Code (No parking within 10m of a junction), as well as considering properties in the immediate vicinity which all appear to have off-street parking available, the LHA believe under the site specific circumstances, it could be difficult to resist the proposals on the grounds of whether or not a TRO could be delivered. On this basis, the LHA will require the Applicant to implement a junction protection such as double yellow lines around the site access and contribute £7,500 towards the necessary TRO fees.

The LHA would usually require 2.0m wide footpaths on both sides of the site access carriageway, although it appears this is not possible due to the existing site restrictions. The 2.0m wide footway is however on the side of the carriageway most useful to pedestrians. Given this, and the location of the site, the LHA considers this would not be a reason to resist the proposals under the site-specific circumstances. It would however be beneficial for some form of uncontrolled pedestrian crossing point, such as dropped kerbs and potentially tactile paving, to be provided for pedestrians wishing to cross from the new access road to the footway on the north/ west side of York Close. This could remove the need for some pedestrians to travel all the way around the turning head, enabling a more direct route across York Close. This could be considered further at detailed design stage if permission is granted.

The LHA have also confirmed with the Applicant that the junction radii to the site is 4.0m. This is contrary to Table 9 of the LHDG, which requires 6.0m. Given the SPA of all vehicles shows that they could navigate the junction and the location of the site, which is on a no through route where vehicle speeds are likely to be low, under the site-specific circumstances the LHA consider it would not be possible to resist the proposals on the grounds of highway safety. This does however emphasise the need for implementation of double yellow lines around the site access to ensure that access can be undertaken by all vehicles with ease, when required.

Pedestrian links to Shenton Lane

Details of the pedestrian link to Shenton Lane are shown on Ashley Helme drawing number 1764/19, included within the TA. The Applicant has included the pedestrian access in a RSA1 as previously requested. This has raised three problems.

The first problem relates to visibility and cutting back of vegetation, while the second problem relates to a lack of a barrier to prevent pedestrians running out on to Shenton Lane. The Applicant has accepted these problems and would seek to cut back vegetation and provide a guardrail at detailed design. The LHA advise that on the basis recorded 85th percentile vehicle speeds for this site are 42 mph and 42.9 mph, visibility splays of 120m in accordance with Table 6 of the LHDG should be provided. The LHA accepts that such splays could be achieved within the extents of the highway boundary.

The third problem highlights a lack of a pedestrian footway and street lighting between the site and existing provisions along Shenton Lane. The RSA1 recommends the Applicant provides a footway/ street lighting along Shenton Lane if it is proposed to be used by pedestrians. The Applicant has not accepted the recommendation and provided a detailed response as to why within the Designer's Response (section 2.3.5 of the TA). This considers:

- The existing walking routes to the vast majority of local amenities via York Close and the surrounding residential area and that Shenton Lane is not as likely to be a high use walking corridor for residents;
- The low level of traffic which uses Shenton Lane and existing carriageway widths would leave sufficient space for vehicles to pass pedestrians should they choose to walk down Shenton Lane;
- PIC data not indicating any incidents involving pedestrians; and
- The previous appeal decision, where the Planning Inspector considered the highway works to provide a footway would have an urbanising effect along Shenton Lane

Whilst the LHA advise it is disappointing that a footway is not proposed along Shenton Lane, the Applicants Designer's Response is accepted. Given the alternative pedestrian routes available, the LHA consider it would be difficult to resist the proposals based on the lack of footway along Shenton Lane. Notably, the pedestrian desire line to local schools and bus services, subject to the route being extended, would be to the north of the site.

Highway Safety

The LHA previously advised there are no specific trends within the Personal Injury Collision data which could reasonably be expected to be exacerbated by the proposed development.

Trip Generation

The LHA previously advised the Applicants vehicular trip rates were considered acceptable.

The LHA also advised that the Applicant was required to consider proposals to implement a one way system in the centre of Market Bosworth. The Applicant has now considered this scenario within the traffic flow diagrams. The LHA has obtained raw traffic flow data for the study junctions from the Applicant and undertaken spot checks of the Applicants traffic flow diagrams within Appendix B of the TA. These are considered to be acceptable.

Junction Capacity Assessments

The Applicants study junctions are detailed below:

1. Weston Drive/Station Road
2. Shenton Lane/ Market Place
3. Station Road/ Back Lane/ Main Street/ Market Place
4. Main Street/ Park Street

5. Park Street/ The Park/ Rectory Lane
6. Rectory Lane/ Sutton Lane/ Market Place
7. Warwick Lane/Shenton Lane
8. Southfield Way/Station Road/Back Lane
9. Bosworth Road/ A447 Asby Road/ B585 Bosworth Lane

The LHA previously accepted the study area and advised under the site-specific circumstances, there was no requirement for a capacity assessment of the site access, given it is situated at the end of a cul de sac. In addition, the LHA accepted the Applicants survey dates and traffic growth factors. The LHA requested the Applicant to assess application reference 24/00560/HYB (138 dwellings and 0.55ha of employment, land off Station Road, Market Bosworth) as part of a sensitivity test, which has now been undertaken.

Since the LHA's previous observations, the LHA have been consulted by the LPA on the following major planning applications within Market Bosworth:

- 24/01079/OUT - Outline planning application for up to 126 dwelling (all matters reserved except access)| Land north of Station Road, Market Bosworth
- 24/01157/HYB - Hybrid planning application seeking full planning permission for the erection of a golf leisure and health spa and Outline planning permission (all matters reserved except for access) for the erection of up to 126 golf holiday lodges with associated works| Kyngs Golf and Country Club, Station Road, Market Bosworth
- 25/00027/OUT - Outline planning permission for a leisure and recreation development to include a family health and wellbeing spa, holiday lodges and a wedding and conference venue. (All matters reserved except for access)| Land east of Bosworth Water Park, Wellsborough Road, Market Bosworth.

The LHA advise it would be considered unreasonable for the Applicant to undertake further work to assess the potential impact of the above developments as part of a sensitivity test in the event they were granted planning permission by the LPA, alongside the impact of this development. This is on the basis that the application had been submitted considerably in advance of the more recent applications, and the LHA had already submitted formal observations prior to being consulted on the additional applications by the LHA. The LHA will however be requiring the above developments to consider each other within sensitivity tests, as well as other committed and live developments within Market Bosworth, as necessary.

The Applicant has undertaken capacity assessments of all key junctions where 30 or more two-way vehicle trips (e.g. 15 arrivals and 15 departures) are predicted to be generated by the development in either the AM and/ or the PM peaks. These are junctions 1, 3, 5, 8 and 9. In addition, junction 4 has been assessed as approximately 28 two-way trips would pass through the junction in the AM peak. The Applicant has undertaken capacity assessments for a number of scenarios including:

- **Traffic Count 2024** (the 'current' situation without development)
- **Base 2029** (a scenario with 2024 traffic factored up to 2029 levels with all committed development in the area)
- **Base With Development 2029** The Base 2029 scenario plus the predicted traffic generated by this proposed development)
- **Sensitivity Test 1** (Base and With Development 2029 scenario, with the addition of development traffic generated by application 24/00560/HYB)

- **Sensitivity Test 2** (Sensitivity Test 1 scenario but with the implementation of a one-way system in the centre of Market Bosworth)

Ratio of Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to the capacity. Typically a value of 0.85 is seen as the threshold of practical capacity, with results higher than this more likely to experience queuing or delay.

The LHA has reviewed the Applicants junction modelling and considers this to be acceptable. The RFC of junctions 1, 3, 4, 5 and 8 is not predicted to exceed 0.85 under any of the above scenarios. The LHA is satisfied these junctions will operate within capacity. Further consideration has been given to junction 9, as outlined below.

Junction 9. Bosworth Road/A447 Ashby Road/ B585 Bosworth Lane

The Applicant has highlighted that in the Base 2029 scenario without the development, the junction operates in an acceptable manner. With the inclusion of development traffic in the Base With Development 2029 scenario, it is stated there is not a material alteration in the performance of the junction. The LHA notes that in 2029 without the development, the Bosworth Lane ahead/ right arm is close to practical capacity in the AM peak with an RFC of 0.84. With the development in place, this reaches 0.88. Similarly, the RFC of the Bosworth Road ahead/ right arm is 0.84 and increases to 0.90 in the AM peak. Delays increase from 1.22 to 1.39 minutes and 0.72 to 0.88 minutes on each arm respectively.

Under the Sensitivity Test 1 scenario, in the AM peak the Bosworth Lane ahead/ right arm is forecast to operate closer to capacity at 0.93 and the Bosworth Road ahead/ right arm would operate at 0.96, with delays increasing from 1.39 and 0.88 minutes to 1.84 and 1.16 minutes respectively. In addition, the RFC of the Bosworth Lane left arm would deteriorate from 0.69 to 0.92, with delays increasing from 0.83 minutes to 1.76 minutes. The Applicant considers that there is some deterioration in the performance of the Bosworth Lane and Bosworth Road approaches in the AM peak hour. However, the impacts could not reasonably be described as severe.

The LHA note that the impact of the proposals on the junction capacity is most significant in the AM peak, with practical capacity not exceeded in the PM peak. After reviewing the junction modelling, the LHA advise it does not currently have any improvement scheme identified for the junction to which the Applicant could provide a proportionate contribution towards. The LHA consider it would be disproportionate to require the Applicant to design and implement an improvement scheme for the entire junction as a result of this development alone or, in the event application 24/00560/HYB was granted planning permission. Under the site-specific circumstances, the LHA therefore advise that no further investigation of the junction is required by the Applicant. The LHA does however advise it is aware of a number of residential developments in the Market Bosworth and Newbold Verdon areas which are likely to result in additional traffic being loaded onto the junction. The impact of each development will be reviewed on a case-by-case basis.

Internal Layout

As advised previously, the internal layout of the proposed development is not for consideration at this time.

Transport Sustainability

The LHA previously requested the Applicant to consider extending the 153 bus service along Station Road and to liaise with Arriva. The Applicant has considered the bus service within Section 7.2 of the TA. The Applicant has set out that they consider the site to be materially different to that

of application 24/00560/HYB and that it should not follow that financial contributions to extending the bus service are equally applicable to both development sites.

The Applicant has highlighted two walking options to the existing Market Place bus stop from the centre of the proposed development site. These are either via existing residential roads such as Southfield Way and Station Road (Option 1), which is stated as an approximate 890m walk, or via Shenton Lane (Option 2), an approximate 745m walk. The Applicant does however acknowledge that in the absence of a footway on Shenton Lane, Option 1 is likely to be considered the most preferable by residents. The Applicant considers the walk to the existing bus stop to be approximately 50% longer from application 24/00560/HYB when compared to Options 1 and 2. In addition, the Applicant states that the proposed development is likely to generate about 2-3 bus users in the peak hours. A contribution to extend the No 153 bus service along Station Road, in addition to the provision of bus passes, would not be fairly and reasonably related in scale to the level of bus usage generated by the development, which is contrary to NPPF.

Notwithstanding the Applicants reasons, the LHA believes that in order to improve and encourage sustainable travel to/ from the site and in the absence of a pedestrian footway being proposed along Shenton Lane as per the previous application at the site, it would be beneficial for the bus service to be re-routed to cover Station Road in order to reduce the length pedestrians have to walk to the bus stop.

Construction Traffic

No further details have been provided in respect of a Construction Traffic Management Plan, including the routing of construction traffic, however the LHA is satisfied this can be secured by means of a suitably worded condition.

Conditions

1. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

2. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Ashley Helme Associates drawing number 1764/17 Rev B. and JPL drawing number 002810-JPL-ZZ-ZZ-DR-D-2001-S2 Rev C03 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 (2024).

3. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 37 metres to the east of the access and 2.4 x 23 metres to the west of the access have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the

level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2024).

4. No part of the development hereby permitted shall be first occupied until an amended Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2024).

5. Prior to occupation of any part of the development hereby permitted, a Public Transport Strategy shall be submitted to the Local Planning Authority, agreed in writing and implemented in full to provide public transport along the length of Station Road in order to serve the development and take into consideration the wider local bus network. The submitted scheme shall include:
 - hours of operation and service frequencies (minimum hourly service Monday – Saturday 7am-7pm);
 - measures to cover the full operation of the service for the minimum period of the duration of the Framework Travel Plan;
 - routing of the service;
 - details of any impact on the existing wider bus route/ service in order to provide the extended service; and
 - provision of any necessary off-site infrastructure, such as new bus stops including a new pole and flag, raised kerbs, information display cases and bus stop markings on Station Road.

Reason: To ensure adequate steps are taken to provide a choice in mode of travel to and from the site.

6. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2024).

7. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the

National Planning Policy Framework (2024).

8. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access on Shenton Lane that becomes redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2024).

Contributions

Please note that the exact monetary values will need to be agreed prior to the signing of the Section 106 agreement and may be subject to indexation.

To comply with Government guidance in NPPF and commensurate with Leicestershire County Council Planning Obligations Policy the following contributions would be required in the interests of highway safety, encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:

1. A £7,500 contribution toward the Traffic Regulation Order consultation process for the Installation of parking restrictions in the vicinity of the site access on York Close, in accordance with an agreed scheme.

Reason: In the interests of highway safety.

Suggested trigger point: Prior to construction.

2. Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack per plot). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500.

Justification: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area.

Suggested trigger point: Prior to the occupation of the first dwelling.

3. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at an average of £510.00 per pass for an Arriva service).

Reason: To encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation.

Suggested trigger point: Payment of 25% of total obligated contribution paid prior to the occupation of the first dwelling. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings, except payment may be deferred by agreement with the County Council.

Informatives

- Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, 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/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. 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/>
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.
- All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>

Date Received **Case Officer**
23 December 2024 **Ben Dutton**

Reviewer
DH

Date issued
27 February 2025