

**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: 24/01066/FUL

Highway Reference Number: 2024/1066/04/H/R2

Application Address: Land West Of Westfield Avenue Earl Shilton Leicestershire

Application Type: Full

Description of Application: Re-consultation. Erection of 18 dwellings with associated access, car parking, landscaping and drainage

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**GENERAL DETAILS**

Planning Case Officer: Matt Jedruch

Applicant: Mr Jim Rawlings

County Councillor: Earl Shilton ED - Martin Richard England CC

Parish: Earl Shilton

Road Classification: Adopted Unclassified

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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 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) have been re-consulted on an application for the 'Erection of 18 dwellings with associated access, car parking, landscaping and drainage' on Land West Of Westfield Avenue Earl Shilton Leicestershire.

The LHA previously requested the Applicant provide further information in observations dated 26 March 2025.

The Applicant has subsequently submitted the following documents via the Local Planning Authority (LPA) which have been reviewed:

- Radford Architectural Services Parking Plan. Drawing Number 3187-280 Revision B.
- Radford Architectural Services Planning Layout. Drawing Number 3187-200 Revision C.

## **Site Access**

As per previous observations, the LHA note that the Applicant wishes to put the site forward for adoption by the LHA. Westfield Avenue is currently awaiting S38 agreement for adoption of the roads. In order for this development proposal to be suitable for adoption, Westfield Avenue must be adopted beforehand.

## **Highway Safety**

There have been three Personal Injury Collisions (PICs) recorded along within 500m in either direction of the proposed site access within the last five years. Two of the PICs were classed as 'slight' in nature, and one was classed as 'serious' in severity.

The LHA have reviewed the PIC data and are satisfied that there are no patterns or trends which the proposals are likely to exacerbate.

## **Trip Generation**

As per previous observations The LHA are satisfied the proposed projected rates are significantly lower than those approved under 14/01279/OUT for the 5000 m2 employment space.

## **Internal Layout**

The acceptability of an adopted road layout is subject to a Section 38 (S38) agreement in accordance with the Highways Act (1980). In order for the site to be suitable for adoption, the internal layout must be designed fully in accordance with the Leicestershire Highway Design Guide ([LHDG] available at <https://resources.leicestershire.gov.uk/lhdg>).

The LHA has reviewed drawing 3187-200 Revision C (Planning Layout) and advise that whilst the road is designed to an adoptable standard, the following point will need to be addressed at the S38 stage:

- The general layout proposed by this new development clashes with elements of the Technically Approved drawings, including the alteration to the originally proposed industrial access to the West side of Westfield Avenue, and the location and length of speed control features approved within the design. In turn, alterations to speed tables and junctions would have a knock-on impact to drainage features, such as gullies, which have already been installed on site.

In addition, the Applicant will need to ensure that the internal road network of the wider development (such as Westfield Avenue) which connects to Heath Lane is also suitable for adoption. The LHA understand it is the intention for the wider development roads to be put forward for adoption by Leicestershire County Council (LCC). Nevertheless, in the event roads connecting to Heath Lane within the wider development do not become adopted by LCC, the road within this proposed development will not be suitable for adoption in isolation.

The LHA have reviewed drawing 3187-280 Rev B (Parking Plan) and welcome the quantum and dimensions of parking proposed align with guidance in the LHDG.

## **Transport Sustainability**

As advised previously, given the proposals would represent an additional 18 dwellings over and above those permitted at the wider site, the LHA advises that the Applicant should provide one travel pack (currently £52.85 per pack if supplied through LCC) and two x six-month bus passes (currently £510 each for an Arriva service) per dwelling in the interests of encouraging sustainable travel to and from the site.

Whilst the proposals are not of a scale which requires a Travel Plan (TP), the LHA strongly advises and encourages the Applicant to include the additional 18 dwellings within the TP for the wider site.

## **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 Planning Layout drawing number 3187-200 Revision C 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. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Parking Plan drawing number 3187-280 Revision B. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

4. 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).

5. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Table 13 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

6. 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).

## **Contributions**

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

- Travel Packs, one per dwelling; 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). If not supplied by Leicestershire County Council (LCC), a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500.00.

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

- 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 the current cost of £510.00 per pass).

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

## **Informatives**

- Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116

305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

- If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. 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/>

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) in the first instance.

- 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**  
**7 May 2025**

**Case Officer**  
**Amy Stone**

**Reviewer**  
**BD**

**Date issued**  
**20 May 2025**