

Leicester  
City Council

**WARDS AFFECTED**  
**Charnwood/West Humberstone**

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**Cabinet**

**30<sup>th</sup> July 2001**

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**HIGHWAY IMPROVEMENT SCHEMES AND IMPROVEMENT LINES**  
**1) TAILBY AVENUE/CATHERINE STREET**  
**2) HUMBERSTONE ROAD/FOREST ROAD**

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**Report of the Director of Environment, Development and Commercial Services**

**1. Purpose of Report**

For the Cabinet to note my urgent action, taken under Standing Order No 53, in amending the Highway Improvement Schemes and Improvement Lines in relation to Tailby Avenue/Catherine Street and to agree to an urgent review of the Humberstone Road/Forest Road Highway Improvement Lines.

**2. Summary**

- 2.1 It has not yet been possible to carry out a comprehensive review of the Highway Improvement Lines required by the Planning and Transportation Committee of 8<sup>th</sup> March 2000 (Minute 351) due to insufficient human and financial resources. However there have been important developments relating to two of these Lines necessitating priority action and an early review and decision.
- 2.2 In the case of the proposed link for public transport, cycling and walking between Tailby Avenue and Catherine Street, there has been a planning application (No19991564) for 5 houses on the site of the former Salutation Public House. The Council refused this because of the proposed Highway Improvement Scheme and Line. The developer subsequently successfully appealed against this refusal under the Town and Country Planning Acts (Ref APP/W2465/A/00/1041877). In order not to appear to be obstructive and risk the award of costs against the Council, it has been necessary to review as a matter of urgency, the Highway Improvement Scheme and Line as it directly affects the former Salutation Public House site and in the light of current policies.

The review has shown that, by moving the alignment to the South, a satisfactory junction can be accommodated on the land already owned by the Council without encroaching onto the former Salutation Public House site.

Due to the urgency of resolving this matter in order to reduce the risk of litigation and potential costs, I have amended the Highway Improvement Scheme and Improvement Lines so as not to encroach onto the former Salutation Public House site, using my

delegated authority given under Standing Order No 53. The Cabinet is requested to note my action.

- 2.3 In the case of the proposed improvements for public transport, cycling and walking on Humberstone Road and Forest Road, the Highway Improvement Lines affect two properties owned by the Council, 324 & 326 Humberstone Road. The properties are empty and have deteriorated into a dangerous condition and require refurbishment or demolition. These Highway Improvement Lines require an urgent review so that an appropriate decision can be made relating to the future of the two properties. If the lines could be amended so as to avoid the buildings, then refurbishment could be a sensible and worthwhile way forward. However if this is not the case, then refurbishment could be poor value for money. It would be appropriate to advise that the Highway Improvement Lines affect several other private properties and any decisions will impact on those properties also.

### **3. Recommendations**

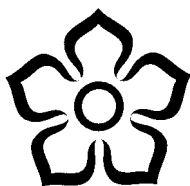
- 3.1 That the Cabinet note my action in amending the Tailby Avenue and Catherine Street Highway Improvement Scheme and Lines so as to avoid the former Salutation Public House site as shown dotted on drawing number CD/TH/GS/04573/74(Y)A.
- 3.2 That the Cabinet agree to an urgent review of the Humberstone Road and Forest Road Highway Improvement Lines and that the review be carried out as soon as possible.

### **4. Financial and legal Implications**

- 4.1 There could be financial and legal implications arising from this. If the recommendations contained in this report are ratified, there are unlikely to be any costs. If no action is taken, there are potential costs relating to blight and maladministration that would be difficult to defend. The potential for a blight payment on an Improvement Line can crop up at any time and the recommendations have the potential to reduce future payments.

### **5. Report Author/Officer to contact:**

- 5.1 Garry Scott, Transport Strategy, Traffic Group, Ext 6526.



## **FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

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### **HIGHWAY IMPROVEMENT SCHEMES AND IMPROVEMENT LINES**

**3) TAILBY AVENUE/CATHERINE STREET**

**4) HUMBERSTONE ROAD/FOREST ROAD**

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**Report of the Director of Environment, Development and Commercial Services**

## **SUPPORTING INFORMATION**

### **1. Report**

- 1.1 Highway Improvement Schemes are proposals for the construction of new roads and the alteration of existing roads, whether for general traffic, public transport, cycling or walking and many are declared on Local Land Charge Searches for property within 200 metres. The elements of a Highway Improvement Scheme that affect individual properties should be declared as Highway Improvement Lines and are only declared on Searches for the individual property concerned.
- 1.2 It is extremely important to properly consider Highway Improvement Schemes and Highway Improvement Lines as they affect the potential for development and property values and can cause blight. There is a presumption that only those schemes which have a reasonable chance of proceeding in a finite time period (10-15 years, or greater in order to safeguard routes) should be retained. Conversely, it would be very difficult to resurrect improvement lines once revoked.
- 1.3 The authority to act on the Highway Improvement Schemes and Improvement Lines follows the City Council becoming the Highway Authority on 1st April 1997. Highway Improvement Schemes and Improvement Lines were formally inherited from the County Council on that date. The Planning and Transportation Committee carried out a simplified review of approximately 100 Schemes and Lines on 8<sup>th</sup> March 2000 (Minute 351). In the case of the Tailby Avenue/Catherine Street and Humberstone Road/Forest Road, the Committee resolved that the Highway Improvement Lines for both schemes be retained pending a comprehensive review.
- 1.4 It has not yet been possible to carry out a comprehensive review of the Highway Improvement Lines required by the Planning and Transportation Committee due to

insufficient human and financial resources. However there have been important developments relating to two of these Lines necessitating priority action and an early review and decision is now required. The schemes need to be reviewed within current policies with emphasis on sustainability, safety, environmental improvement and amenity, and realism for progress. Opportunities for improvements to walking, cycling and public transport will be particularly considered.

1.5 Plan refs CD/TH/GS/04573/74 and CD/TH/GS/04573/21 are attached which show the existing Highway Improvement Scheme and Lines.

1.6 In the case of the proposed link for public transport, cycling and walking between Tailby Avenue and Catherine Street, there has been a planning application (No19991564) for 5 houses on the site of the former Salutation Public House. The Council refused this because of the proposed Highway Improvement Scheme and Line. The developer subsequently successfully appealed against this refusal under the Town and Country Planning Acts (Ref APP/W2465/A/00/1041877). In order not to appear to be obstructive, and risk the award of costs against the Council, it has been necessary as a matter of urgency, to partially review the Highway Improvement Scheme and Line as it directly affects the former Salutation Public House site and in the light of current policies.

The review has shown that, by moving the alignment to the South, a satisfactory junction can be accommodated on the land already owned by the Council without encroaching onto the former Salutation Public House site.

Due to the urgency of resolving this matter, in order to reduce the risk of litigation and potential costs, I have exercised my delegated authority given under Standing Order No 53 and the Cabinet is requested to note and endorse this action in amending the Tailby Avenue and Catherine Street Highway Improvement Scheme and Lines so as to avoid the former Salutation Public House site as shown dotted on drawing number CD/TH/GS/04573/74(Y)A. A full review of the whole length will need to be carried out at an early, appropriate time.

1.7 In the case of the proposed improvements for public transport, cycling and walking on Humberstone Road and Forest Road, the Highway Improvement Lines affect two properties owned by the Council, 324 & 326 Humberstone Road. The properties are empty and have deteriorated into a dangerous condition and require refurbishment or demolition. These Highway Improvement Lines require an urgent review so that an appropriate decision can be made relating to the future of these two properties. If the lines could be amended to avoid the buildings, then refurbishment could be a sensible and worthwhile way forward. However, if this is not the case, then refurbishment could be poor value for money. It would be appropriate to advise that the Highway Improvement Lines affect several other private properties and any decisions will impact on those properties also.

It is recommended that an urgent review of the Humberstone Road and Forest Road Highway Improvement Lines be carried out and that the review be carried out as soon as possible.

## **2. Details of Research & Consultation**

- 2.1 Research and consultation has been on going for three years. The Housing Department and Property Services have been particularly involved with Humberstone Road. Legal Services and Planning Development Control have been particularly involved with Tailby Avenue as it affects the former Salutation Public House site.

## **3. Other Implications**

- 3.1 No other implications are seen to arise from the recommendation contained in this report.

## **4. Background Papers**

- 4.1 Report to Planning & Transportation Committee dated 8<sup>th</sup> March 2000, file CD/TH/GS/04573.
- 4.2 Planning application No19991564.
- 4.3 Memo from Assistant Director Housing Development Services, dated 12<sup>th</sup> February 2001, file CD/TH/GS/04573.