



Leicester  
City Council

**WARDS AFFECTED**  
*Castle*

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

Cabinet  
Council

17th May 2010  
24<sup>th</sup> June 2010

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## **CONDUIT STREET HIGHWAY IMPROVEMENT LINE**

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### **Report of the Director of Regeneration, Highways and Transportation**

#### **1. PURPOSE OF REPORT**

- 1.1 This report seeks Council approval to revoke the current Highway Improvement Line in Conduit Street and implement a new Highway Improvement Line following a six week consultation with every owner, lessee and occupier of land affected.

#### **2. SUMMARY**

- 2.1 Following Full Council approval to revoke the current Highway Improvement Line (HIL) in September 2009, the Transport Strategy Team has undertaken statutory consultation which was required under the Highways Act 1980.
- 2.2 As a result of that consultation, one objection was received. The objection was based on the concern that the Dawn Centre and Health Centre in Conduit Street was given planning permission to build over an existing HIL. There was also concern that the revocation of the HIL and that the proposed implementation of a new HIL would lead to developments that would compromise the safety of drivers and pedestrians.
- 2.3 Officers are satisfied that the proposed HIL will still allow for developments which satisfy the Highway Transportation and Development guide.

#### **3. RECOMMENDATIONS (OR OPTIONS)**

- 3.1 Cabinet Members are asked to recommend that Council approves the following recommendations:
- 3.2 Agree to the Revocation of the current Conduit Street Highway Improvement Line agreed prior to 1997 as shown in red in Appendix A;
- 3.3 Agree to the Implementation of a new Highway Improvement Line in Conduit Street as shown in green in Appendix A; and

3.4 Agree to the retention of the existing Highway Improvement Line in Conduit Street / London Road as shown in blue in Appendix A.

#### **4. REPORT**

4.1 A report to Full Council on 3<sup>rd</sup> September 2009 approved to revoke the current Highway Improvement Line in Conduit Street and implement a new Highway Improvement Line.

4.2 Highway Improvement Lines (HIL) are established by the Highway Authority as a statement of future intent of carrying out improvements to the highway and to prevent other conflicting developments taking place. They are recorded on the Land Charges Register and therefore declared on local searches for properties within 200 metres of the Improvement Line boundary.

4.3 It is extremely important to properly consider HIL's and also Highway Improvement Schemes as they affect the potential for development. There is a presumption that only those schemes which have a reasonable chance of proceeding in a finite time period should be retained. Conversely it would be very difficult to resurrect improvement lines once revoked.

4.4 Leicester City Council has been approached by an agent acting for the proposed purchaser of the land between Andover Street, Conduit Street and Glebe Street. An HIL has been declared on a recent search. The proposed purchaser has made approaches to seek either the revocation or amendment to the Improvement Line to enable the submission of a planning application for housing. Appendix A presents the area showing the current highway improvement line (in red).

4.5 Under the procedures set out within The Highways Act 1980, the Council was required to consult with every owner, lessee and occupier of land affected of the proposed approval to revoke the current Highway Improvement Line. Following this, a letter of objection was received which the Council now needs to consider. Once this has been considered, the line may then be prescribed.

4.6 A copy of the objection letter received is presented in Appendix B. Paragraphs 4.6.1 to 4.6.2 provides the response given to the objections:

4.6.1 *'There has already been a serious violation of these lines by your planning department'.*

The Dawn Centre (planning application approved in 2003) and the Health Centre (temporary approval granted in 2004) was built over the existing Highway Improvement Line. There were no highway objections to the planning application as Officers had stated that the Highway Improvement Line was no longer required to allow for the widening of Conduit Street as it is not intended that Conduit Street be used to relieve traffic.

The original extent to widen Conduit Street has now changed since 2003. However, the Highway Improvement Line is still required to be retained for any junction improvements that would improve the safety of pedestrians and motorists.

The buildings stated 'Government Offices' shown on the map were built prior to the implementation of the Highway Improvement Line.

4.6.2 *'The proposed amendments would not be in the interests of either pedestrians or motorists travelling via Conduit Street and adjacent roads.'*

The Highway Transportation and Development (Htd) guide was adopted by the City Council in April 2009. It details the highway and transportation infrastructure required for new developments that would provide the safe and free movement of all road users. The guidance reflects the latest national design and policy guidance for suitable visibility splays at junctions for motorists whilst not jeopardising pedestrian safety.

4.7 The Htd states that if any proposed development is to take place on an existing road, it would be necessary to conduct a radar survey to measure the existing vehicle speed to determine the 85<sup>th</sup> ile (the speed which 85% of the vehicles are not exceeding). This would establish the visibility splays needed. Whilst traffic calming has already been implemented and it is now a 20mph zone, it was necessary to conduct a speed radar survey (carried out on 28<sup>th</sup> May 2009). The conclusion of the survey found the 85% ile to be 20mph. By referring to table DG4 of the Htd, the assessed vehicle speed of 20mph, should have a 25 metre visibility distance at a junction.

4.8 The Htd also states that a six metre corner radii radius should be provided for residential and B1 Class office developments.

4.9 If the existing Highway Improvement Line was revoked, and the proposed development was to proceed, this would not comply with the current Htd requirements.

#### Conclusion

4.10 Appendix A presents the proposed new HIL (in green) which has taken into account the guidance set out within the Htd. Appendix A is presented for illustrative purposes. The detailed specification of the new HIL is based on:

- a) A six metre radius at for both junctions at:  
Glebe Street / Conduit Street; and  
Andover Street / Conduit Street
- b) A 25m visibility splay (2.4m by 25m) for both junctions at:  
Glebe Street / Conduit Street; and  
Andover Street / Conduit Street
- c) A two metre width footway at Conduit Street (as shown within the green line). A two metre width footway has also been included at Glebe Street and Andover Street.
- d) The retention of the current HIL (as shown in blue) at London Road / Conduit Street. This includes a two metre width footway.

## **5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **Financial Implications**

5.1 There are no direct financial implications arising from this report.

*Martin Judson, Head of Finance*

### **Legal Implications**

- 5.2 Section 73 of the Highways Act 1980 details the powers of the Highway Authority, the Council with regard to Highway Improvement Lines ("HIL"). The Council can prescribe and revoke HIL's and this must be done by resolution. Schedule 9 of the Act details the procedures that need to be taken for this and I have advised the Transport Strategy team accordingly of the procedures that need to be followed.

*Jamie Guazzaroni, Solicitor- Legal Services*

## **6. OTHER IMPLICATIONS**

OTHER IMPLICATIONS	YES/NO	Paragraph references within the report
Equal Opportunities	4.6.2-4.8	Proposed junction layout improves facilities for people in wheelchairs and parents with push chairs and the safety of vehicle drivers.
Policy	4.6.2 -4.8	Adheres to the Highways Transportation and Development Guide as adopted by the City Council.
Sustainable and Environmental	4.6.2 -4.8	compliance with the Highways Transportation and Development Guide.
Crime and Disorder		
Human Rights Act		
Elderly/People on Low Income		
Corporate Parenting		
Health Inequalities Impact		

## **7. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972**

- 7.1 Full Council meeting – 3<sup>rd</sup> September 2009

## **8. CONSULTATIONS**

- 8.1 Prospect Leicestershire and the Council's City Centre Development Manager have provided comments as stated in the report to Full Council (3<sup>rd</sup> September 2009).
- 8.2 Network Rail and East Midlands Trains, in their capacity as Leicester Railway Station owner / tenant, have been contacted, although no comments have been received.
- 8.3 The previous Cabinet Lead Member, Councillor Kitterick, has been briefed on the proposed revocation of the existing HIL and implementation of a new HIL.
- 8.4 The Council has completed a six week consultation period regarding the revocation of the existing line and implementation of a new line. The Highways Act 1980 states that, 'Where the local authority prescribe a line or revoke a line or any part thereof they shall do so by resolution'.

**9. REPORT AUTHOR**

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<b>Key Decision</b>	Yes
<b>Reason</b>	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
<b>Appeared in Forward Plan</b>	Yes
<b>Executive or Council Decision</b>	Executive (Cabinet)