

LPA Ref: 22/00752/FUL

Forest Hill Golf Club, Botcheson

Appeal Statement

(Highways) (Revision B, August 2023)

(VOLUME 1 - Text only)

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Sparsis Leisure



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Forest Hill Golf Club, Botcheston

LPA Ref: 22/00752/OUT

Appeal Statement (Highways)
(REVISION B, AUGUST 2023)

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1.0 INTRODUCTION

- 1.1 My name is Chris Bancroft. I have over 32 years' experience as a consultant, advising clients on various highways and transportation issues associated with development proposals. Since 2005 I have been employed as a Director of Bancroft Consulting Limited. I am also a Fellow of the Chartered Institute of Logistics and Transport.
- 1.2 Bancroft Consulting was initially appointed by the Appellant in 2019 to assist with a planning application for the creation of a hotel facility on land adjacent to the Forest Hill Golf Course. Work was undertaken in support of an initial planning application for a '152 bed hotel with leisure facility & spa within use class C1 (outline and access to be considered)' [LPA Ref: 20/01387/OUT]. Detailed discussions took place with the Highway Authority in respect of the potential highways and transport implications of this scheme, although the application was ultimately refused by Hinckley and Bosworth Borough Council (acting as the Local Planning Authority (LPA)) on 27 December 2021 for five reasons, of which three were highways related (Reasons 1, 3, and 4 of the published Decision Notice). A full copy of the corresponding Decision Notice dated 27 December 2021 and associated Officer Report is provided at **Appendix CB1**.
- 1.3 Following the initial refusal, I was instructed to liaise further with the Highway Authority in support of a second planning application for a proposed '98 bed hotel with leisure facility & spa (Class C1) (outline – access to be considered only)' [LPA Ref: 22/00752/OUT]. This application was again supported by detailed discussions on the highways and transport implications, with numerous supporting technical submissions. However, the application was ultimately refused by the LPA on 13 March 2023, again for five reasons. Whilst there was some minor difference in the wording, the thrust of the five Reasons for Refusal remained the same as previous, with the highways based Reasons for Refusal being as follows:
- RfR1. Located within the countryside, the proposal does not fall under any of the categories identified in Policy DM4 as sustainable development. Furthermore, the Applicant has failed to demonstrate that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location which is contrary*

to Policy 23 of the Core Strategy, Policy DM24 of the SADMP, and paragraph 110 of the National Planning Policy Framework 2021.

RfR 3. Evidence submitted with the application fails to demonstrate that a safe and suitable form of vehicular site access can be achieved for all highway users. Such a proposal is thus contrary to Policy DM17 of the SADMP (2016) and advice in paragraph 110 of the NPPF (2021).

RfR 4. Evidence submitted with the application fails to demonstrate how any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated. Such a proposal is thus contrary to Policy DM17 of the SADMP (2016) and to advice in paragraph 111 of the NPPF (2021).

A full copy of the Decision Notice (dated 13 March 2023) is provided at **Appendix CB2**, along with the corresponding Officer Report.

- 1.4 Section 2 of this Appeal Statement will provide a detailed summary of the various technical submissions made in respect of both applications. However, it is clear the outstanding areas of concern can be summarised as follows:
- I. The ability to offer a reasonable choice of sustainable transport modes [RfR1].
 - II. Delivery of a safe and suitable vehicular access for the proposed development [RfR3].
 - III. The extent of any significant impacts from the proposed development within the transport network and how they might be mitigated [RfR4]
- 1.5 This Appeal Statement seeks to provide the Inspector with a review of the above Reasons for Refusal and technical details that were before the Local Planning Authority as it came to this decision, which I do not believe was reasonable in the context of current NPPF policy guidance. In undertaking work on this project, I can confirm that various site visits have been undertaken by me and other members of my team.

2.0 BACKGROUND INFORMATION

- 2.1 The following section seeks to provide a detailed summary of the chronological events that have taken place since I was instructed on this project. I have split this into the two applications as I feel this is an important part of the process in understanding how the latter application has arrived at an Appeal. Full details of each submission should be available online within the corresponding planning file so I have only sought to attach specific details where immediate reference helps to underline any particular point.

LPA Ref: 20/01387/OUT - '152 bed hotel with leisure facility & spa within use class C1 (outline and access to be considered)'

- 2.2 In line with the Highway Authority's published guidance, discussions commenced with the submission of a Scoping Study that was submitted for consideration and in support of an initial hotel scheme of up to 250 bedrooms. This was prepared in September 2019 and provided the following areas of detail in respect of the proposals:
- Speed survey results and splay calculations for the proposed access location.
 - TRICS based trip generation assessments using golf course and hotel data.
 - Trip generation estimates based on first principles calculations for the potential events.
 - Reference to recent planning applications for similar developments nearby.
 - Presentation of a distribution model for development traffic assignment.
 - Preliminary layout drawings of the proposed site access layout.
- 2.3 Leicestershire County Council, acting as the Highway Authority, subsequently provided its Formal Observations dated 3 December 2019, a copy of which is included at **Appendix CB3** of this Appeal Statement. The comments made were extensive and in overall terms set out a requirement for a Transport Assessment to be undertaken in due course. Other points to note from the observations are as follows:
- A full description of current and proposed activities is required.
 - Confirmation was given that splays based on the speed survey results is acceptable.

- All subsequent access design should be supported by a swept path assessment of the largest typical service vehicle along with a Stage 1 Road Safety Audit.
- Confirmation of the Personal Injury Accident data being extended to August 2019.
- Need for trip generation calculations to be based on existing activities at the golf club plus further comments on the TRICS strategy for the hotel use (LCC makes it clear that it does not consider the golf club to be ancillary to the hotel use).
- Parking justification required.
- Confirmation that any subsequent impact assessment should be based on the conventional weekday 'morning' and 'evening' peak hours, along with a specific 'Friday evening peak' to account for the leisure use.
- The application should ideally be supported by a Travel Plan that incorporates the golf club.

2.4 Following receipt of the above Formal Observations, the Transport Assessment and Framework Travel Plan documents were prepared and submitted to the Highway Authority. The Transport Assessment (June 2020) sought to provide a direct response to each of the points raised by the Highway Authority in the above Formal Observations. The key change from the initial Scoping Study submission was in the proposed development details, whereby the scheme was significantly downsized from a 250-bedroom hotel to a maximum of 152 bedrooms. Because of this, all previous trip generation and parking calculations were updated to reflect the latest scheme proposals.

2.5 The findings of the Transport Assessment confirmed that the local highway network had no issues of significant concern (highway safety) and included the Friday evening peak hour assessment of trip generation as requested. In addition to the swept path assessment of the proposed site access and internal layout, the report provided detailed justification for the provision of a simple T-junction arrangement (i.e. no right turn lane) based on the predicted absence of any queuing. It also confirmed the following total trip generation figures for both the existing and proposed uses combined.

- morning peak 59 arrive 21 depart 80 total

- evening peak 81 arrive 53 depart 134 total
- daily 527 arrive 469 depart 996 total

2.6 The Framework Travel Plan (July 2020) was submitted alongside the Transport Assessment to form “*part of the transport strategy across Forest Hill Golf Club and provides a plan for managing travel demand. It will set out the existing opportunities for non-car travel and establish the current modal split for the existing golf club and what the potential modal split could be to the proposed hotel*” [Paragraph 1.4 of the Framework Travel Plan]. The Framework Travel Plan was prepared in accordance with published guidance and in line with standard practice, providing a clear commitment to the pursuit of promoting sustainable travel for all users of both the golf course and hotel development. This included the identification of future travel surveys, travel planning advice, and various measures to incentivise sustainable travel.

2.7 Leicestershire County Council, subsequently provided its Formal Observations dated 19 March 2021, a copy of which is included at **Appendix CB4** of this Appeal Statement. Within the comments the Highway Authority continues to object to the principle of the proposed development, citing the following areas of concern:

- Concerns regarding the speed survey and application of the adopted design guidance.
- Need for a single point of access only.
- Request for a right turn lane and disputing the trip generation calculations.
- Confirmation of there being no specific highway safety problems that require further attention.
- Seeking further clarification on the proposed development details and how these affect the golf club operation.
- Refusing to comment on junction capacity and off-site impact issues due to concerns over trip generation.
- No comment regarding site sustainability issues.

2.8 In response to the above comments, a detailed Technical Note was prepared (dated May 2021) and submitted as part of the application. This provided specific responses to each of the technical points raised by the Highway Authority, including justification for the T-junction layout without any right turn lane and clarification on the trip generation details.

2.9 Leicestershire County Council, subsequently provided further Formal Observations in response to the Technical Note, dated 26 May 2021, a copy of which is included at **Appendix CB5** of this Appeal Statement. Within the comments the Highway Authority continues to object to the principle of the proposed development, citing the following areas of concern:

- Ongoing concerns regarding the survey methodology and resulting splay calculations.
- Resistance to the principle of a new access, stating a clear preference for retaining the existing junction layout.
- Perceived need for a right turn lane to address and continued concerns over the trip generation details provided.
- Identification of junctions that are currently known to experience queuing and delays during peak hours.
- Concern regarding the sustainability credentials of the proposed development.

2.10 The application was subsequently refused partly on the grounds of the above concerns.

LPA Ref: 22/00752/OUT - ‘Proposed 98 bed hotel with leisure facility & spa (Class C1) (outline – access to be considered only)’

2.11 In support of the revised planning application, the 2020 Transport Assessment and Framework Travel Plan documents were updated to present the recalculated details and also seek to address the ongoing issues associated with the previous planning application. Section 2 of the Transport Assessment (July 2022) provides a clear summary of the changes adopted, which included:

- Provision of updated survey data and confirmation that the required splays continue to be achievable, along with confirmation on the proposed access strategy and restricted use of the current golf club junction.
- Updated Personal Injury Accident data that continues to confirm there are no highway safety issues within the existing highway network.
- Revisited trip generation data, including a reduced internal trip reduction factor (70% to 30%) for golfers using the hotel and vice versa.
- Updated Framework Travel Plan seeking to provide a more robust strategy for reducing single-occupancy car travel and the commitment to delivering an electric minibus service for staff and visitors.

2.12 Leicestershire County Council, provided its Formal Observations dated 5 October 2022, a copy of which is included at **Appendix CB6** of this Appeal Statement. In line with previous comments made regarding the previous planning application, these commence by stating:

“The Local Highway Authority advice is that the residual cumulative impacts of the development are severe in accordance with the National Planning Policy Framework (2021) and the Local Planning Authority is advised to consider refusal on transport/highway grounds for the reasons outlined in this report.

The LHA advises the following reasons for refusal:

- 1. The Applicant has failed to demonstrate that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location which is contrary to paragraph 110 of the National Planning Policy Framework 2021.***
- 2. The Applicant has failed to demonstrate that a safe and suitable site access can be achieved for all highway users, contrary to paragraph 110 of the National Planning Policy Framework 2021.***
- 3. The Applicant has failed to demonstrate any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated, contrary to paragraph 110 of the National Planning Policy Framework 2021.”***

2.13 Within its subsequent ‘Advice to Local Planning Authority’ the Highway Authority confirms the following concerns:

- Visibility splays now need to be calculated using the LHDG method, although the latest speed readings are accepted.
- Swept path assessment drawings required for additional turning manoeuvres.
- Concern regarding the positioning of the access at the inside of the bend following a problem identified as part of the Road Safety Audit.

- Confirmation that retaining the existing access location would be the Highway Authority's preferred access solution – stating that it *“would advise the Applicant that it has no highway safety concerns with the existing access to the site”*.
- Confirmation that there are no ongoing highway safety concerns within the local highway network.
- Ongoing concerns regarding the existing and proposed development trip generation calculations leading to an inability to provide detailed comment in respect of Junction Capacity Assessments and Off-Site Implications.
- Confirmation that *“Parking provision for the proposed hotel would need to be designed fully in accordance with Part 3 of the Leicestershire Highway Design Guide”*, without any consideration of the details provided.
- Ongoing concerns regarding the sustainability credentials of the proposed development, despite confirming “The LHA has reviewed the submitted Travel Plan and considers the measures proposed to be acceptable”. This also included queries on how the proposed electric minibus would operate in practice.

2.14 Following the above, I wrote directly to the Case Officer responding to the points raised, seeking to provide clarification on outstanding points of detail. A copy of my letter dated 22 November 2022 is provided at **Appendix CB7** for ease of reference. In terms of Sustainable Travel, I sought to explain how the Highway Authority's position does not reflect the specific rural nature of the scheme (i.e. a hotel to support an existing local golf course) and is overlooking key policy guidance for such proposals, principally paragraph's 85 and 105 of the NPPF.

2.15 In response to the issue regarding 'Safe and Suitable Access' I sought to explain how the Highway Authority's position is illogical and contrary to their own published design guidance. The geometry of the proposed junction layout and visibility splays would be delivered in accordance with the Highway Authority's published design guidance, where there is no requirement to avoid placing junctions at the inside of any bend. I also pointed out how, in line with standard practice on such matters, the Highway Authority has evidence within Section 8 of the Transport Assessment to confirm how there would be no significant queuing on Markfield Road to justify the provision of a right turn lane.

2.16 The Highway Authority's response to the above submission was dated 12 December 2022 and sought to reiterate previous concerns without any substantive justification on the points of Transport Sustainability, Internal Layout, and the Site Access arrangement. This point also largely remains true for the Trip Generation/Junction Capacity Assessments/Off-Site Implications part of the response, although further clarification was provided in respect of the linked trip reductions and potential for multiple events to take place at the site. A copy of the response is provided at **Appendix CB8** of this Appeal Statement.

2.17 In response to the above observations, I submitted a further letter to the Case Officer at the LPA dated 25 January 2023 seeking to provide clarity on the outstanding points. This included more information on the electric minibus operation, proposed site activity, provision of a safe and suitable access and consideration of the impact that improving the existing access would have on the golf club operation. I also sought to provide details of two further sensitivity tests relating to the proposed development trip generation calculations, which firstly removed the trip reduction factors and then, secondly, doubled the predicted development trip generation (existing and proposed activity). These results clearly showed how the proposed site access layout would continue to operate without any significant queuing that could warrant the inclusion of any right turn lane facility. A copy of my letter is provided at **Appendix CB9** of this Appeal Statement.

2.18 Leicestershire County Council provided its Formal Observations responding to the above submission, dated 13 March 2023, essentially reiterating the points raised previously, albeit with some clarification on the following areas.

- Confirmation that both the existing and proposed site access junctions would now require a right turn lane to serve the proposed development.
- Confirmation that the Highway Authority would now need to assess the requirement for a right turn lane at the access using AADT flows.
- Requesting clarification on the 'foot golf' event and a comparison of how this relates to 'typical' conditions.
- Rejection of the electric bus service in support of the existing golf club facility.

A copy of the above Formal Observations is provided at **Appendix CB10** of this Appeal Statement.

2.19 Without any opportunity to respond to the above comments, which clearly provide requests for new information, the application was refused with both the Officers Report and Decision Notice posted on 13 March 2023, the same day as the above Formal Observations were published.

3.0 POLICY AND DESIGN GUIDANCE

- 3.1 The following section will consider both local and national planning policy and design guidance relevant to this Appeal, to determine where this stands in respect of the three highways related Reasons for Refusal.

Central Government Policy – National Planning Policy Framework (March 2012)

- 3.2 The National Planning Policy Framework [NPPF] (MHCLG, updated July 2021) was published in March 2012 and sets out the Government's planning policies for England and how these should be applied. Paragraph 11 outlines the overarching principles of how local authorities should address 'plan making' and 'decision taking' when determining planning applications. Its policies are outlined below:

"Plans and decisions should apply a presumption in favour of sustainable development.....

*For **decision-taking** this means:*

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

- 3.3 The above policy highlights how decision-taking should be made in the light of a "clear reason for refusing the development proposed" [sub point i] and in full view of 'significant and demonstrable' adverse impacts [sub point ii]. In my view, the LPA, acting on the advice of the Highway Authority, has failed to substantiate its position with any evidence whatsoever that the issues would lead to a clear problem that warrants refusal.

- 3.4 Section 6 of the NPPF is titled 'Building a strong, competitive economy'. Paragraph 85 states the following:

"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

- 3.5 I believe this clearly sets out how decision makers should support important and established rural businesses with a focus on sites that have the potential to encourage sustainable travel, so long as there will be no unacceptable impact on local roads. Importantly, this does not say that developments should deliver pre-determined levels of accessibility for specific modes, rather they should look at where opportunities exist to improve opportunities for access. Although it gives an example of "on foot, by cycling or by public transport", it is important to recognise that sustainable travel stems from the principle of reducing single occupancy car travel. In this context, it is recognised that sustainable travel can also mean the reduction of distances travelled by drivers and the time of the day journeys are made, along with increased vehicle occupancy and other shared journeys.

- 3.6 In many ways, Paragraph 105 follows on from the principles highlighted above within Paragraph 85. It states:

"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."

- 3.7 Paragraph 110 of the NPPF outlines the key policies in relation to highways and transportation, which must be carefully considered in determining planning applications from a highways perspective. It sets out the following requirements:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

(a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

(b) safe and suitable access to the site can be achieved for all users;

(c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46 ; and

(d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

- 3.8 Paragraph 111 of the NPPF then continues to confirm:

*“Development should only be prevented or refused on highways grounds if there would be an **unacceptable** impact on highway safety, or the residual cumulative impacts on the road network would be **severe**.” [my emphasis]*

- 3.9 Paragraph 110 is cited in both Reasons for Refusal’s 1 and 3 whilst Paragraph 111 is only raised within Reason for Refusal 4. No reference is made to Paragraphs 85 or 105, which I believe to be a major oversight in determining this application.

National Planning Practice Guidance

- 3.10 The NPPF is supported by a range of associated National Planning Practice Guidance [NPPG] (DLHC, March 2015) documentation. This includes advice on ‘Transport evidence-based in plan making and decision taking’ (updated March 2015), which provides guidance to assist LPAs in assessing strategic transport needs. It states that Travel Plans, Transport Assessments and Statements are

required for developments that generate significant movements, to assess the relative impacts of that scheme.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (Adopted December 2009)

3.11 RfR1 cites Policy 23 of the Core Strategy, which can be confirmed as follows.

Policy 23: Tourism Development

Tourism development for new and extended visitor attractions including major facilities (e.g. Twycross Zoo, Bosworth Battlefield, Mallory Park) and holiday accommodation including bed and breakfast accommodation, holiday lodges, and tenting fields will be encouraged in suitable locations where:

- The development can help to support existing local community services and facilities and
- Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping and
- The development adds to Hinckley & Bosworth's local distinctiveness and
- Complements the tourism themes of the borough and
- The development adds to the economic wellbeing of the area

3.12 In reviewing the adopted Core Strategy I am also conscious of Policy 14, which relates to the provision of transport in rural areas. Interestingly, there is no mention of the need to improve rural footways and crossing facilities, with a strategy that clearly considers a more dynamic approach to encouraging sustainable travel in line with the rural environment.

Policy 14: Rural Areas: Transport

To support accessibility within the rural areas, the council will:

- Support the safeguarding of the route of the National Forest line and stations at Desford and Bagworth, in case, in the longer term a cost effective passenger service reinstatement on that line may be achievable
- Support the delivery of a viable, high quality public transport network between the Key Rural Centres and their nearest urban centre and between the Rural Villages and their nearest Key Rural Centre or urban centre
- Support the provision of accessible transport services for mobility impaired and rurally isolated residents
- Support further development of quality and reach of accessible transport services, including expansion of Shop Mobility
- Support the continuation of the Leicestershire hourly services network (this network provides access within 800 metres to a service of at least hourly daytime frequency for 95% of Leicestershire people) and improving access at other times of the day
- Support the continuation of demand responsive transport networks (for example, shared taxi services, community minibuses and rural dial a ride) to the following villages and hamlets that are not covered by the hourly services network: Kirkby Mallory, Peckleton, Shackerstone, Congerstone, parts of Carlton, Sutton Cheney, Shenton, Kirkby Grange and Botcheston
- Deliver safe cycle paths as detailed in the Hinckley & Bosworth Council's Rural Parishes Cycling Network Plan. This will deliver safe routes to school, to residential and employment areas, Key Rural Centres/urban areas, community and leisure facilities and into the countryside

Developers will be required to contribute towards these initiatives through developer contributions and/or land where they meet the tests set out in national guidance. New development that would prejudice their implementation will not be permitted.

Hinckley & Bosworth Borough Council Local Plan 2006 – 2026: Site Allocations and Development Management Policies DPD

3.13 RfR1 cites Policy DM24 of the SADMP, which can be confirmed as follows.

DM24

Cultural and Tourism Facilities

Provision of New Facilities

The Borough Council will seek to support the development of new cultural and tourism facilities across the borough. To reduce reliance on the private car, where new facilities are to be established it should be demonstrated that they can be accessed by a range of sustainable transport modes.

Retention of Existing Facilities

The Borough Council will seek to resist the loss or change of use of cultural and tourism facilities including ancillary areas.

The redevelopment or loss of cultural and tourism facilities would only be appropriate where it can be demonstrated that:

- a) The existing facility can no longer operate in a viable manner and all attempts of diversification have been exhausted; and
- b) The facility cannot be retained through voluntary, charitable or community organisations or ventures, with the exception of strategic hotels; or
- c) The proposal would result in an appropriate replacement cultural, tourism and leisure resource which fulfils the requirements of Core Strategy Policy 23; or
- d) The loss of a small portion of the site for alternative uses would result in enhanced facilities for culture and tourism on the remainder of the site.

3.14 RfR3 and RfR4 both cite Policy DM17 of the SADMP, which can be confirmed as follows.

DM17 Highways and Transportation

Development proposals will be supported where they:

- a) Seek to make the best use of existing public transport services and, where appropriate, provide opportunities for improving and sustaining the viability of those services;
- b) Seek to ensure that there is convenient and safe access for walking and cycling to services and facilities;
- c) Demonstrate that there is not a significant adverse impact upon highway safety; and in the case of development that generates significant movement;
- d) That the development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised;
- e) Where it can be demonstrated that the residual cumulative impacts of development on the transport network are not severe.

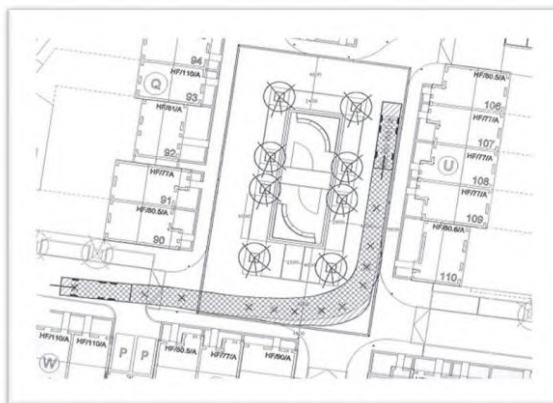
Where appropriate, improvements will be required to be undertaken to the highways and transportation network to limit any significant impacts arising from the development (taking into account cost effectiveness).

All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority.

Leicestershire Highways Design Guide (LHDG) – published online and updated at various intervals.

- 3.15 Paragraph 3.21 of the LHDG provides the Highway Authority's published guidance in respect of layout design and vehicle overruns. Although it relates to residential road layouts, the principles should be applicable for other areas of development, such as the proposed site access. Full details of the guidance provided, including an example of how they will accept large vehicles overrunning oncoming traffic lanes, are provided below:

- 3.21 Tracking is providing the required width for vehicle movement within the overall width of the road. It can also be used to establish appropriate bend radii. Instead of taking the highway engineering requirements as the starting point for layout design, you can consider the arrangement of the buildings and the boundaries of the development first. You can lay out buildings to suit a particular form, with kerblines helping to define and emphasise spaces. The width between kerbs can vary. (You can find further information on how to use tracking in the '[Manual for Streets](#)' documents, published by the Department for Transport ([an example](#)). Where tracking of large vehicles results in the use of the whole width of the carriageway to make manoeuvres on narrow roads it is important to ensure that forward visibility to bends is provided in accordance with Part 3 Table DG4 to enable this to be achieved safely. There should be no recourse to reducing the width of roads such that it is necessary for the drivers of the private motor car to make use of the whole width of the carriageway to make similar manoeuvres"



An example of tracking showing the swept path of a refuse vehicle.

- 3.16 Table DG4 of the LHDG sets out the Highway Authority's required visibility splays for new junctions. Also included are the footnotes, of which footnote 'f' confirms how values calculated from 85th percentile speeds shall be accepted.

Table DG4: Visibility splays

Assessed likely vehicle 85 th percentile vehicle speed (mph)	Measured 85 th percentile vehicle speed (mph)	Visibility distance at junctions, bends and vertical crests (m) ^(a) Light vehicles	Visibility distance at junctions, bends and vertical crests (m) ^(f) HGV
15	11 to 15	17 ^(c)	19 ^(c)
20	16 to 20	25 ^(c)	27 ^(c)
Speeds on new residential development roads should normally be controlled to 20mph or less ^(b)	21 to 25	33 ^(c)	36 ^(c)
	26 to 30	43 ^(c)	47 ^(c)
	31 to 35	54 ^(c)	59 ^(c)
	36 to 40	65 ^(c)	73 ^(c)
	41 to 44	120 ^(d)	120 ^(d)
	45 to 53	160 ^(d)	160 ^(d)
	54 to 62	215 ^(d)	215 ^(d)
	63 to 75	295 ^(d)	295 ^(d)

^(a) See Figures DG2a to DG2c below for guidance on constructing splays.

^(b) Where speed is assessed to be over 20mph, splay provision will normally be based on the appropriate 'measured 85th percentile vehicle speed' distance.

^(c) Based on the Manual for Streets documents, 'adjusted for bonnet length'

^(d) Based on Design Manual for Roads and Bridges.

^(e) Use figures for HGV and buses if these vehicles make up more 5% of actual or predicted total traffic flow

^(f) We will accept calculated values for actual agreed 85th percentile speeds

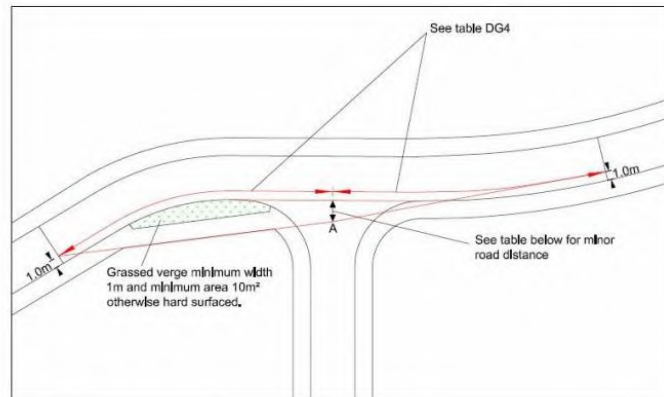
3.17 In addition to the above, the following provides an extract of Figure DG2a Junctions from the LHDG, which has been referenced in submissions and clearly demonstrates within the example provided how the guidance is content for drivers to be 'looking over their shoulder' when emerging from junctions.

Construction of visibility splays

For all horizontal visibility splays, where a footway, cycleway or similar is provided, the rear of the footway and so on should coincide with (match) the rear edge of the visibility splay.

A more accurate assessment of visibility splay is made by measuring to the nearside edge of the vehicle track. The measurement is taken from the point where this line intersects the centreline of the minor arm unless there is a splitter island in the minor arm.

Figure DG2a Junctions



3.18 Section TAG5 of the LHDG provides guidance on how the Highway Authority expects applicants to undertake the assessment of development impact including the use of generic survey data (TRICS) to identify predicted travel patterns. Full details of the current version can be found online at [Part 7 appendix c assessing the transport impacts of development \(leicestershire.gov.uk\)](https://www.leicestershire.gov.uk/transport/assessing-the-transport-impacts-of-development), covered within paragraphs 1.27 through to 1.58. Key extracts are provided below for ease of reference.

Existing land uses on a development site

- 1.36 If a development site has or had an existing use, it may be appropriate to offset the likely traffic impacts of the proposed development against the site's existing traffic impacts when considering its redevelopment.
- 1.37 If this is acceptable to us in principle, you will need to quantify the traffic impacts of any existing uses for the assessment periods. Where an existing use is still in full operation, you should normally establish its traffic impacts by up-to-date traffic counts at the site accesses.
- 1.38 For existing uses not in full operation, it may still be appropriate to carry out traffic surveys and then agree with us how much the increase in traffic is likely to be if the site is redeveloped (but see paragraph 1.38).
- 1.39 We will consider each site separately, particularly where the existing land uses no longer operates. We will, where appropriate, take into account the validity of increasing the site's operation or bringing the existing buildings back into operation without needing planning permission.

Trip generation of the proposed development

1.40 You should first work out the total trips – that is by all modes of transport (including walking) – that you expect the proposed development to generate. You can usually do this using TRICS or other data such as a traffic survey, where the new development is an expansion of an existing similar use, or a survey of a similar development in the same area. Where you use TRICS or other databases, the sites you choose should be appropriate and relevant to the proposed development, and the transport assessment should clearly demonstrate this. Whichever data source you use, you should include details of the sites used to form the basis of the predicted trip generation in the assessment.

1.41 *Note: Where TRICS or other appropriate databases do not contain enough information on similar sites, you will normally have to base the trip estimate on a detailed analysis of the proposed daily operation of the development.

1.42 85th %ile trip generation rates should normally be used as a starting point, as the GTA ([link to the new glossary entry](#)) recommends, but see also paragraph 1.42 ([link](#)).

DMRB: CD123 ‘Geometric design of at-grade priority and signal-controlled junctions’

- 3.19 Despite the assertions of the Highway Authority as to the potential importance and relevance of a right turn lane at the access, its published design guidance offers no assistance in how this should be approached. In lieu of this, I have made reference to the published guidance set out within the Design Manual for Roads and Bridges, which is the typical source of design information for such a feature. The following provides key extracts from CD123 which address the principle of right turn lanes, although it must be noted that this is strictly only for implementation on “*all schemes involving the geometric design of at-grade priority and/or signal controlled junctions on the Overseeing Organisations all-purpose trunk roads*”. Markfield Lane is categorically a local distributor road and does not form part of the formal trunk road network so should not warrant such a rigorous approach.
- 3.20 The following extracts relate to the principle of locating priority junctions on the inside of a bend. This is the only published guidance I am aware of that relates to this matter and I feel it is important to present this for consideration.

2. Junction selection

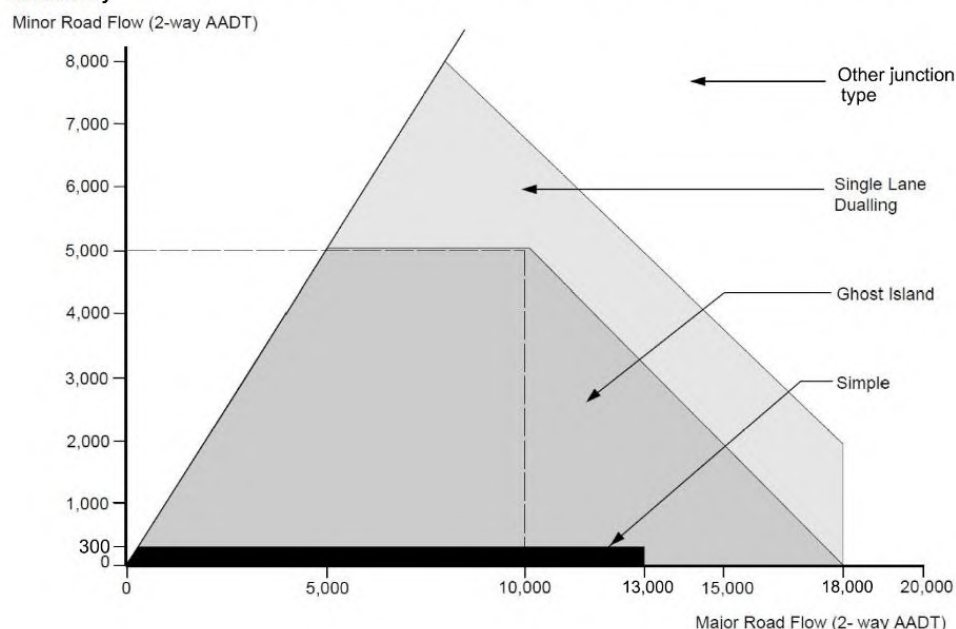
Priority junction selection

- 2.1 Priority junctions shall not be used on motorways or all-purpose dual three-lane carriageways.
- 2.1.1 Priority junctions should not be located on a sharp curve on a major road.
- NOTE 1 The placement of a priority junction on the inside of a sharp curve is particularly hazardous as this can restrict visibility to a much greater degree than on the outside of a curve, and is likely to create blind spots.
- NOTE 2 The placement of a priority junction on the outside of a sharp curve can result in drivers on the major road misinterpreting the minor road as the ahead direction. Equally drivers on the minor road could misinterpret the layout as drivers on the mainline as having to give way.

3.21 In considering the above, I would again stress that this guidance relates to trunk road schemes where the volume of traffic flow and speeds are generally much higher than would typically be expected on local roads. I would also draw attention to the reference made to “*sharp curve*” in Note 1 and the consequence of restricted visibility. I believe it is agreed that the proposed site access and achievable visibility splays are in accordance with LCC’s standard requirements.

- 2.3 Simple priority junctions shall only be used on single-carriageway roads without a climbing lane.
- 2.3.1 The selection of priority junction and major road central treatment for single carriageway roads should be determined based on the standard of major road and traffic flows on both the major and minor roads. Figure 2.3.1 illustrates approximate levels of provision for varying traffic flows.

Figure 2.3.1 Approximate priority junction provision on single carriageway roads based on flows only



- NOTE The 2-way AADT design year flows are used to determine the approximate level of junction provision prior to more detailed traffic modelling to check capacity.
- 2.3.2 At junctions where there are high seasonal variations, or short intense peaks in the traffic flows, then the appropriate seasonal or peak flows should be used.
- NOTE 1 Figure 2.3.1 takes into account traffic delays, entry and turning traffic flows and collision costs.
- NOTE 2 Seasonal or peak flows need to be extrapolated to determine revised 2-way AADT flows for use in Figure 2.3.1.

Manual for Streets and Manual for Streets 2 Publications

- 3.22 Manual for Streets offers overarching guidance on the principles of highway design at a national level. It is supported by a companion guide titled Manual for Streets 2 (published by Chartered Institution of Highways and Transportation) which seeks to explain some of the potential gaps in how it should be interpreted in certain situations. Section 9.4 of Manual for Streets 2 provides guidance on the design of Priority and Uncontrolled Junctions, where sections 9.4.7 and 9.4.8 provide the following advice on the implications of right turn lanes (note TD 42/95 has now been superseded by CD123 as referenced above).

9.4.7 TD 42/95⁵⁴ recommends that consideration should be given to providing a right turning lane at priority junctions where the side road flow exceeds 500 vehicles per day, but this advice relates to trunk roads, where there is an emphasis on providing an unimpeded route for through traffic. It is a relatively low flow, and junctions without right turn lanes will often be able to cater for higher levels of turning traffic without resulting in significant congestion.

9.4.8 Right turning lanes make it more difficult for pedestrians to cross major roads and lead to higher traffic speeds and authorities should therefore consider carefully all of the effects before deciding to provide them. Removing unnecessary right turn lanes can also be considered, and will bring substantial benefits to non-motorised users.

4.0 SITE DETAILS AND DEVELOPMENT PROPOSALS

- 4.1 The aim of this section is to provide an overview of the current site use, including a review of the adjacent golf club operation, with a particular focus on the details that have been raised in discussions with the Highway Authority throughout the course of both planning applications. This includes, access, internal layout (parking and servicing), opening hours, capacity, and facilities provided.

Existing Golf Course

- 4.2 The proposed hotel would be located on land immediately adjacent to the existing well-established 18-hole golf course, which includes a 26-bay driving range and associated facilities within the clubhouse. As stated within my letter of 24 January 2023 to the Case Officer, the clubhouse includes capacity for up to 102 people in the general bar area and adjoining rooms, and 120 people in its function room which accommodates weddings and other events. Overall, the 18-hole golf course has a capacity for up to 72 players, assuming a maximum of four players on each hole at any given time. I understand that this generally only occurs at particularly busy periods during the summer months and on certain competition days, where peak demand might cover a period of around 4 or so hours.
- 4.3 The image below shows a screenshot from Google Earth of the current golf course access and internal parking layout.



4.4 In response to concerns raised by the Highway Authority a Manual Classified Count was undertaken at the existing site access on Friday 10th June 2022 when a ‘foot golf’ tournament was taking place at the site. It is understood that the tournament was fully subscribed, and the survey results confirmed the following the following peak hour trip generation for the golf course and its facilities.

▪ morning peak	29 arrive	4 depart	33 total
▪ evening peak	29 arrive	41 depart	70 total

These details are discussed in detail at Section 7 of the Transport Assessment.

4.5 In addition to the above surveys, the Applicant also provided spreadsheet data detailing activities within the club over a typical period of operation. From this, it was summarised that the existing golf club would typically generate 396 daily two-way movements. This comprised 40 staff movements, 12 by deliveries, and 346 visitors.

4.6 Also set out within Section 7 of the Transport Assessment were the results of a trip generation exercise undertaken using the industry standard software TRICS (as referenced within LCC’s published guidance – see page 21 of my appeal statement). Following a review of available survey data, a comparable site was identified which produced trip rates that resulted in the following peak hour and daily traffic generation.

▪ morning peak	13 arrive	5 depart	18 total
▪ evening peak	8 arrive	10 depart	18 total
▪ daily	100 arrive	98 depart	198 total

The survey records for the site confirmed that the above activity did not include any special event taking place within the golf course and so only represented the course and driving range activity.

4.7 To address the potential ‘event’ activity, Section 7.2.1 of the Transport Assessment set out a ‘first principles’ prediction on the potential traffic movement, confirming how the Applicant has advised that two events (or weddings) would not occur simultaneously on the same day. It was also stated how these events are “*expected to be seasonal and occur more frequently during weekends*” so assigning these figures to the weekday traffic generation calculations must be

viewed as robust. This exercise identified how an event could generate up to 240 additional weekday daily two-way movements.

4.8 The golf course is served by an existing simple T-junction layout towards the northern end of the site frontage on Markfield Lane. It includes gates that are set back approximately 13 metres from the edge of the main carriageway, opening inwards. The current layout comprises a generous carriageway width and control radii in front of the gates but this narrows significantly to around 5.6 metres beyond them, where the carriageway then turns sharply to the south on entry to the car parking area. On-site observations confirm that cars struggle to pass through this bend and as such any coaches or other large vehicles (such as refuse collection vehicles) would only be able to manoeuvre in single file flow. Otherwise, the junction does appear to offer good visibility in each direction and there have been no recorded incidents at this location during the accident study period, as confirmed within the Transport Assessment.

4.9 Extending south into the site leads to the main car parking area which consists of approximately 102 marked spaces and an overspill area that is estimated to accommodate circa 78 spaces within an informal arrangement. Within the main car parking area most spaces are set up on each side of the access road. The distance between the site access and the southernmost point of the car park is approximately 185 metres.

Conditions within Markfield Lane

4.10 It is important to mention how since the Transport Assessment was prepared, the speed limit on Markfield Lane has now been reduced to 50 mph through the site frontage.

4.11 Notwithstanding the above, Section 4.2 of the Transport Assessment sets out the details of Markfield Lane and its status. In summary, it is a rural road with no footways in the vicinity of the site and street lighting at the access itself. The carriageway measures approximately 6.5 metres wide and extends north to Junction 22 of the M1 and south to Junction 21A of the M1 Motorway, both of which are approximately 4 kilometres away from the site. The Highway Authority has confirmed that there are no highway safety problems in the vicinity of the site frontage that require further consideration. Markfield Lane is not a Classified A or

B route and, as per the LHDG, is therefore afforded a more relaxed approach to access proposals.

- 4.12 Throughout the course of both planning applications numerous speed surveys have been undertaken at Markfield Lane in the vicinity of the proposed site access location. The results of these were presented at Section 4.2.10 of the Transport Assessment (see image below) confirming comparable results, particularly in the southbound direction.

Direction	2019 Manual Speed Survey	2019 ATC	2022 ATC
Northbound	41.84mph	43.5mph	45.3mph
Southbound	45.98mph	46.7mph	46.7mph

- 4.13 The survey data collected as part of the Transport Assessment also confirmed the following peak hour and daily movements on Markfield Lane, which included the application of the Highway Authority's specific COVID uplift factors.

	northbound	southbound	total
• morning peak (0800 to 0900 hours)	239 (35)	219 (29)	439 (64)
• evening peak (1700 to 1800 hours)	208 (24)	206 (21)	392 (45)
• daily (0700 to 1900 hours)	1865 (313)	1816 (280)	3680 (593)
*all vehicles (HGVs)			

- 4.14 The above flows demonstrate how Markfield Lane is relatively lightly trafficked with up to four vehicles per minute in a single direction during any peak hour. The Transport Assessment also noted how these results only represented a small increase from the 2019 data that was gathered as part of the initial planning application.

Development Proposals

- 4.15 As presented within Section 6 of the Transport Assessment and within my letter to the Case Officer dated 25 January 2023 (see **Appendix CB9**), the development details can be summarised as follows.
- 4.16 The proposed 98-bedroom hotel is intended to operate as an ancillary facility to the adjacent golf club and its own facilities. Within the proposed hotel would be a spa specifically for guests and visitors to the hotel and golf club, with capacity for up to 30 people. A bar, dining area and function room would also be provided within the hotel, with capacity for up to 150 people. Overall, 60 people would be employed at the site across both the hotel and golf club facilities.
- 4.17 It is proposed that a new access be provided to serve both the golf club and new hotel facilities. Diverting all hotel development traffic, including potential coaches, refuse collection vehicles, and general staff/visitor movements through the current golf club access and parking area would generate the following concerns:
- Increased risk of vehicle conflict as vehicles turn into the site via the sharp bend in the carriageway at the access road.
 - Increased risk of conflict between golfers loading and unloading equipment from their vehicles within what would be a much busier access road.
 - Increased travel distances for hotel visitors arriving at the site and being required to pass through the golf club car park on route to the hotel car park.
 - Need for all service vehicles to pass through the public areas increasing risk of conflict with other users on what would be a shared surface carriageway.
 - No scope to provide the extent of improvements being sought by the Highway Authority at the existing access due to land constraints.
- 4.18 Drawing Number F19109/07 Revision B within the Transport Assessment confirms how the proposed site layout includes 122 additional car parking spaces, with 25 spaces for electric charging vehicles. To accommodate future expansion, all proposed car parking spaces would be pre-wired to enable future conversion for electric charging. The parking layout includes clearly marked pedestrian routes, with crossings at key locations, whilst evidence has been provided that all typical service vehicles would be able to satisfactorily manoeuvre throughout. A copy of this drawing is provided at **Appendix CB11** for ease of reference.

- 4.19 Also Included within the proposed site layout is provision for 15 Sheffield Stands, which would accommodate up to 30 cycle parking spaces conveniently adjacent to the hotel building and its access. A bus stop for the proposed electric bus is also shown centrally between the hotel and golf club facilities.
- 4.20 The internal access road would measure 6.75 metres in width as it extends between the proposed new access and the hotel area, with a new link road that extends north into the southern area of the existing golf club parking area.
- 4.21 The existing access would be restricted to servicing and maintenance vehicles only, with all other future golf club and hotel movements directed through the proposed T-junction access layout, which is shown in Drawing Number F19109/13 Revision C as provided within **Appendix CB12** of this Appeal Statement. The current layout now demonstrates the full 160 metres visibility splay requirements in both the horizontal and vertical alignment.

5.0 CASE FOR THE APPELLANT

- 5.1 The following seeks to address the three separate Reasons for Refusal attached to this application.

RfR1. Located within the countryside, the proposal does not fall under any of the categories identified in Policy DM4 as sustainable development. Furthermore, the Applicant has failed to demonstrate that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location which is contrary to Policy 23 of the Core Strategy, Policy DM24 of the SADMP, and paragraph 110 of the National Planning Policy Framework 2021.

- 5.2 Details of the Highway Authority's position is taken from the latest Formal Observations dated 13 March 2023 (see **Appendix CB2**), made under the heading of 'Transport Sustainability'. Inspection of the comments shows that the majority of points relate to the principle of the electric bus service, but with a final overarching statement of "*The LHA maintains that the site is located poorly in terms of transport sustainability and has doubts as to whether an electric bus service could reasonably be required by means of condition to serve the site*".
- 5.3 As regards the minibus issues, the Highway Authority has been unclear in its position here in terms of whether it feels the minibus is necessary in terms of the test for planning obligations, or if it is the detail of delivery that clouds its judgement. As for the principle of transport sustainability, I believe this is a poorly considered judgment that does not fully understand the principles of sustainable transport. I will attempt to address each of these points below.
- 5.4 It is important to state that I agree with the point that this site is not supported by good levels of public transport and pedestrian infrastructure. However, it is a scheme that has the intention of helping to improve the viability of an existing golf club and deliver economic growth in this rural location. Figure 5 of the Transport Assessment shows how Botcheston would be the nearest settlement (approximately 2km to the south), whilst the nearest public bus services are on Merrylees Road, approximately 1.2km to the north operating at a frequency of two

services per hour. I agree, these would not satisfy typical sustainability requirements for an urban site.

- 5.5 Notwithstanding the above, the proposals clearly demonstrate how cycling would be accommodated at the proposed hotel by way of 30 cycle parking spaces. Access by bike could be suitably accommodated via the network of existing roads and considering the growth of electric charging cycles could easily see staff and potential visitors arriving from settlements such as Kirby Muxloe, Desford, Glenfield and even Markfield. My letter of 25 January 2023 (see **Appendix CB9**) explains how the Applicant is willing to provide an electric minibus service that connects the site with existing public transport services, based on user demand from the site. This has the potential to be expanded to include bespoke trips to local destinations (such as for non-golfers staying at the hotel) and even evening taxi journeys for staff required to work late.
- 5.6 The Framework Travel Plan sets out a clear strategy for both the existing golf club and proposed hotel to work together in exploring where further opportunities for sustainable travel can be explored to the benefit of both uses. This would be achieved through a series of specific staff and visitor travel surveys that seek to identify where further opportunities might exist. The aim of the Travel Plan process would be to secure a 10% reduction in single car occupancy travel to the site over the first five years of its operation. Table 2 of the Framework Travel Plan shows how this would primarily be secured through increases in cycling and access by the electric minibus services. In considering this position I would take this opportunity to reiterate how in its Formal Observations dated 5 October 2022 (see **Appendix CB6**) the Highway Authority confirmed “*The LHA has reviewed the submitted Travel Plan and considers the measures proposed to be acceptable*”.
- 5.7 In its advice to the Local Planning Authority on this matter, the Highway Authority fails to recognise national policy guidance set out in Paragraph 85 and 105 of the NPPF. In my opinion, the guidance given here couldn’t be clearer whereby as a fundamental starting point in considering sustainability we must address the nature of the development and whether it is a rural or urban location. As a well established rural golf club, we are required to consider if the development “*exploits any opportunities to make a location more sustainable*” (Paragraph 85, NPPF) alongside “*Significant development should be focused on locations which are or*

can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making” (Paragraph 110, NPPF).

- 5.8 At a local level, the Core Strategy further underlines this policy guidance where at Policy 23 it states how *“Tourism development for new and extended visitor attractions including major facilities (e.g. Twycross Zoo, Bosworth Battlefield, Mallory Park) and holiday accommodation..... will be encouraged in suitable locations where..... The development can help to support existing local community services and facilities...”*
- 5.9 So then, it is clear from the above that the proposed development is able to offer immediate access by sustainable modes in the form of cycling and the electric minibus services. By virtue of the nature of the site, visitors to the proposed hotel are more likely to arrive as part of a shared car trip, whilst providing the hotel adjacent to the golf club will remove many existing trips whereby visitors might be staying at a hotel away from the site and travelling in between each location.
- 5.10 Furthermore, to satisfy the Highway Authority’s expectations for bus and pedestrian access the proposed hotel (and presumably the golf club) would be required to relocate to a more urban site that delivers the viable infrastructure. However, this then presumes that visitors to a golf club and hotel would be content to utilise the non-car modes. In general, this is an entirely unrealistic prospect and would ultimately lead to increased vehicle activity in areas already sensitive to traffic. The proposed use not only seeks to utilise less trafficked parts of the highway network, but also delivers a clear benefit to the travel opportunities associated with the existing golf club use.
- 5.11 In terms of the delivery of the electric minibus service, it is standard practice within planning permissions to secure such improvements by way of a Section 106 Agreement. This would address the required service levels for the minibus and have a corresponding planning condition securing its implementation in line with a particular date during the construction timeline, such as ‘prior to occupation of the

hotel details of the proposed electric minibus service shall be agreed with the Local Planning Authority such that services are available for all visitors to the hotel and golf club over a minimum five-year period'. This is standard practice and I do not see why the Highway Authority would have a problem with this.

- 5.12 All of the above points clearly demonstrate how in line with current planning policy (and contrary to the Highway Authority's assertions) the site has the potential to promote sustainable travel where reasonable, given the nature and rural location of the development. This point has been made continuously in submissions to the Highway Authority, and latterly the Local Planning Authority, without any discussion of the principles so that the proposals could be refined to reflect specific concerns. I therefore consider the refusal of the planning application on this basis to be unreasonable.

RfR 3. Evidence submitted with the application fails to demonstrate that a safe and suitable form of vehicular site access can be achieved for all highway users. Such a proposal is thus contrary to Policy DM17 of the SADMP (2016) and advice in paragraph 110 of the NPPF (2021).

- 5.13 As above, details of the Highway Authority's final position on this matter are taken from its Formal Observations dated 13 March 2023 (**see Appendix CB10**), under the heading of 'Site Access'. Drawing Number F19109/13 Revision C represents the latest access submission and this included the required 160 metres splay distances in each direction. The Highway Authority's outstanding concerns can also be summarised into four parts, as follows:

- i. Swept path analysis of a refuse collection vehicle and coach.
- ii. The location of the access on the inside of the bend.
- iii. Further consideration of a ghost-island right turn lane.
- iv. The lack of crossing facilities to the existing bridleway.

- 5.14 The following seeks to address each point individually.

- i. **Swept path analysis of a refuse collection vehicle and coach.**

- 5.15 The Highway Authority has “*raised concerns*” about the fact that large infrequent service vehicles would overrun the opposing traffic lane when turning within the proposed site access layout. Published guidance within the Leicestershire Highways Design Guide generally separates into residential and industrial use types, with no specific guidance on hotel and golf club schemes. Table DG2 of Part 3 of the LHDG states within footnote (a) how “*other use classes, for example shopping and leisure, will be considered on a site-by-site basis and depending on the likely numbers of HGVs*”. It then states how B1 development should be served by a ‘Minor industrial access road’ with a carriageway width of “*6m for offices 6.75m for other B1 uses*”. It must be reasonable to conclude that the additional width of 6.75 metres is to allow for an increased likelihood of HGV traffic.
- 5.16 The proposed site access layout would deliver the 6.75 metres carriageway width and 10 metres control radii, in line with these standard requirements. The Highway Authority’s concerns here are in fact misleading as it is inherent in most standard junction layouts that HGV turning movements would overrun the oncoming traffic lane. This is widely accepted as a suitable provision on the grounds that turning movements are infrequent and the consequence of accommodating the manoeuvre through a much larger junction layout would impact upon pedestrian crossing distances and the speeds at which vehicles approach the turning manoeuvre, ultimately resulting in a far more dangerous situation.
- 5.17 At page 18 of the Appeal Statement I have also provided evidence of the Highway Authority’s published guidance specifically acknowledging how some vehicle overrun will be acceptable to them, in response to published national guidance set out within the Manual for Streets. The example provided clearly shows a large refuse collection vehicle taking up a considerable amount of carriageway space when manoeuvring through the proposed highway layout. It is also important to remember how this level of overrun will also occur at the existing site access, where there is no evidence of any corresponding highway safety problems.
- 5.18 In this instance the proposed hotel development and existing golf club are not expected to generate any more than two to three HGV/coach manoeuvres throughout a typical day and with peak hour flows on Markfield Lane not exceeding 240 movements in any direction, or one vehicle every 15 seconds on average, I would not expect this to cause a material risk of a problem.

ii. The location of the access on the inside of the bend.

- 5.19 The Highway Authority does not specify anywhere within its guidance that junctions should not be provided on the inside of a bend. Moreover, the example it provides at Figure DG2a clearly shows an almost identical situation to that of the proposed arrangement, with the splay to the left for drivers emerging being shown in the same way.
- 5.20 The source of the Highway Authority's concerns appear to be with the findings of the Road Safety Audit that was commissioned by an independent organisation as required by them. In considering this position further it is important to understand that the published guidance clearly states how the Safety Audit process is not intended to represent a 'design check' and any problems raised are subject to a review of risk and interpretation. They must not in any way be viewed as an immediately insurmountable issue.
- 5.21 On this occasion I believe the Auditors problem arises from guidance set out within Section 2 (Junction selection) within CD123 of the DMRB – as provided at Section 3 of this Appeal Statement. Noting how this guidance applies only to junctions within the trunk road network, where traffic speeds and flow are generally much higher, the advice is that "*Priority junctions should not be located on a sharp curve on a major road*". In considering this position, Drawing Number F19109/13 Revision C clearly shows how vehicles approaching from the south would have adequate forward visibility (160 metres vehicle to vehicle) along with vehicles emerging from the junction. If the bend in the carriageway were to be deemed "sharp" then I would expect the highway authority to have implemented chevron signage at the western edge to alert oncoming vehicles.
- 5.22 There is no such signage, no evidence of a highway safety problem associated with the bend being 'sharp', and there is no published guidance specifically stating how junctions within the local road network should not be located on the inside on a bend in the carriageway. It is however stated that visibility splays should be plotted as shown within DG2a of the LHDG and Drawing Number F19109/13 Revision C satisfactorily demonstrates this.

iii. Further consideration of a ghost-island right turn lane.

5.23 The Highway Authority asserts that consideration must be given to the delivery of a right turn lane for access to this private development. However, in line with the guidance provided within Manual for Streets (see Section 3 of this Appeal Statement), its published design guidance makes no reference to conditions that would trigger a requirement for a right turn lane or the layout of any subsequent scheme.

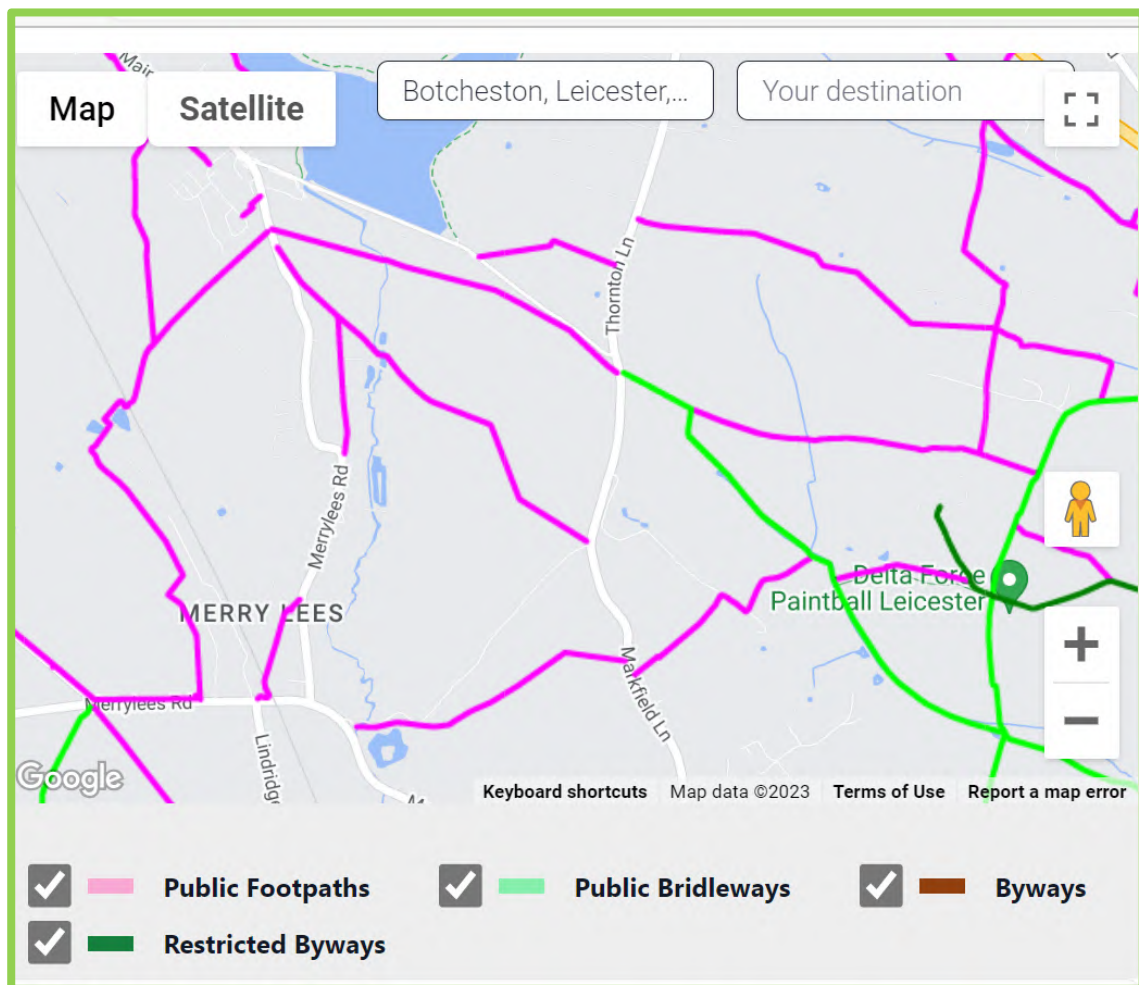
5.24 Notwithstanding this, I have also made reference to guidance set out within CD123 of the DMRB, again noting that this applies to trunk road schemes only. This shows how although the starting point for consideration would be based upon the AADT flows generated along both the major and minor roads, the corresponding note clearly confirms “*The 2-way AADT design year flows are used to determine the appropriate level of junction provision **prior to more detailed traffic modelling to check capacity***” [my emphasis]. The key point here is that the ultimate determining factor is the modelling results and likelihood of queuing, which should be used to gauge the need for a right turn lane.

5.25 My letter of 25 January 2023 (see **Appendix CB9**) provided the Highway Authority with two sensitivity tests for different flow scenarios using the proposed site access arrangement. The most robust of these doubled the peak hour turning movements associated with the combined existing and proposed development, with the modelling results confirming that “*at no point is the right turn into the site predicted to exceed 0.1 vehicles, which indicates there is no need for this in terms of capacity*”.

iv. The lack of crossing facilities to the existing bridleway.

5.26 This issue relates to the proximity of Public Footpath R76 and the proposed site access at Markfield Lane. The PRoW connects to Markfield Lane by way of a gated track that includes a large open area at the outside of the bend in the carriageway. This area also connects to a private dwelling immediately to the north and a narrow track (Coley Lane) to the south, none of which are expected to generate any significant traffic throughout a typical day.

5.27 The area of hard standing is generous and provides ample space for pedestrians to wait with full sight of oncoming vehicles, with approaching vehicles being able to see them too. The accident study has not identified any recorded incidents at this location during the past five years of data. It is also worth noting how there is no ongoing connection with any further footpath to the east and pedestrians using this route are required to walk south along Markfield Lane to Footpath R35 or north to Bridleway R42, with no footways provided along either route. I have provided an extract of Leicestershire County Council's Definitive Rights of Way Map below.



5.28 Although the proposed site access would be opposite this Footpath, it will not materially change the way pedestrians use the facility. If highway safety was such a concern, then I would expect the Highway Authority to have delivered footways to avoid pedestrians having to walk up to 550 metres within the carriageway at Markfield Lane.

5.29 The above details seek to explain how there are no substantive grounds for the specific detailed concerns raised by the Highway Authority is making this

recommendation for refusal. I have demonstrated how the officers concerns are not justified within its own design guidance and they are applying the principles of standards that are intended for higher category trunk roads in attempting to support its position.

- 5.30 It must therefore be reasonable to conclude that the proposed site access is deliverable in accordance with the relevant published design guidance, with appropriate geometry and visibility splays to safely accommodate all likely turning movements.

RfR 4. Evidence submitted with the application fails to demonstrate how any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated. Such a proposal is thus contrary to Policy DM17 of the SADMP (2016) and to advice in paragraph 111 of the NPPF (2021).

- 5.31 Within its Formal Observations dated 13 March 2023 (see **Appendix CB10**), the Highway Authority again sets out a series of statements as to why it has concerns regarding the trip generation exercise, citing issues such as COVID-19, theoretical capacity, and the potential for linked trips between the golf club and hotel facilities. Throughout the course of both planning applications the Highway Authority has sought to demand an unreasonable level of assessment for the proposed scheme that is not in line with its published guidance, or sympathetic to travel restrictions that were affecting the collection of 'representative' data for various types of development.

- 5.32 The comments being made by the Highway Authority warranted detailed discussions to confirm the full extent of its concerns, however attempts to set up meetings were dismissed or ignored by officers, meaning that there was no other option but to follow the industry standard approach that has been adopted so far within the two planning applications.

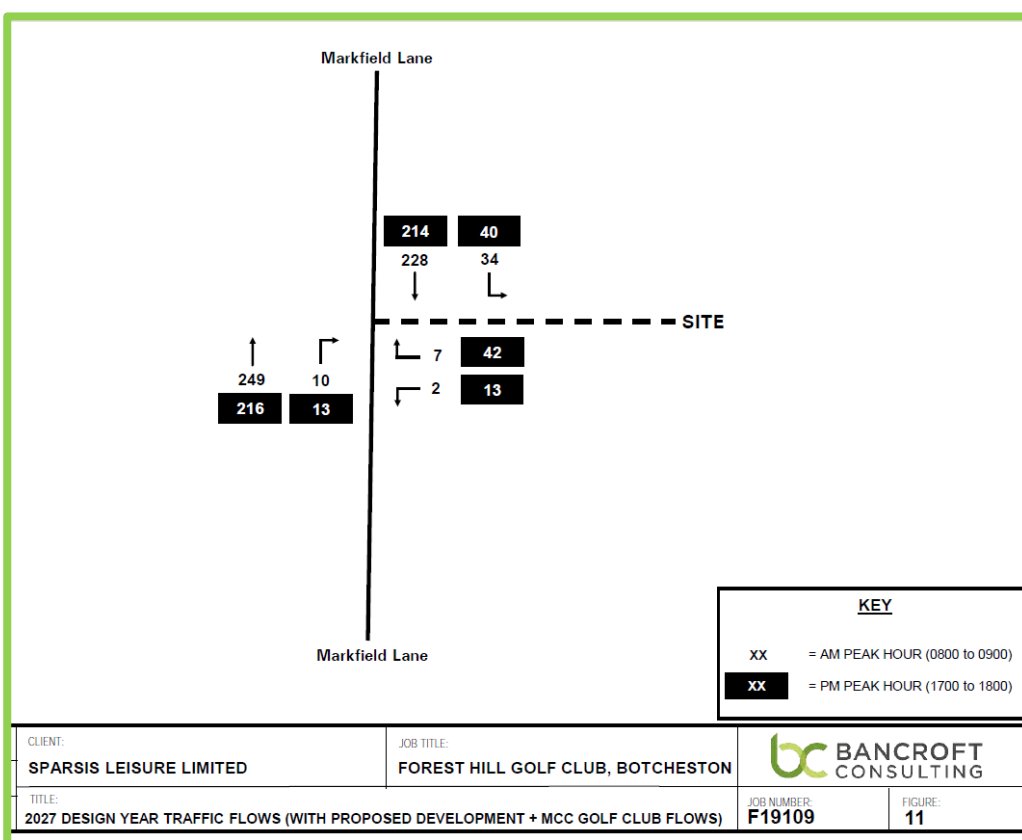
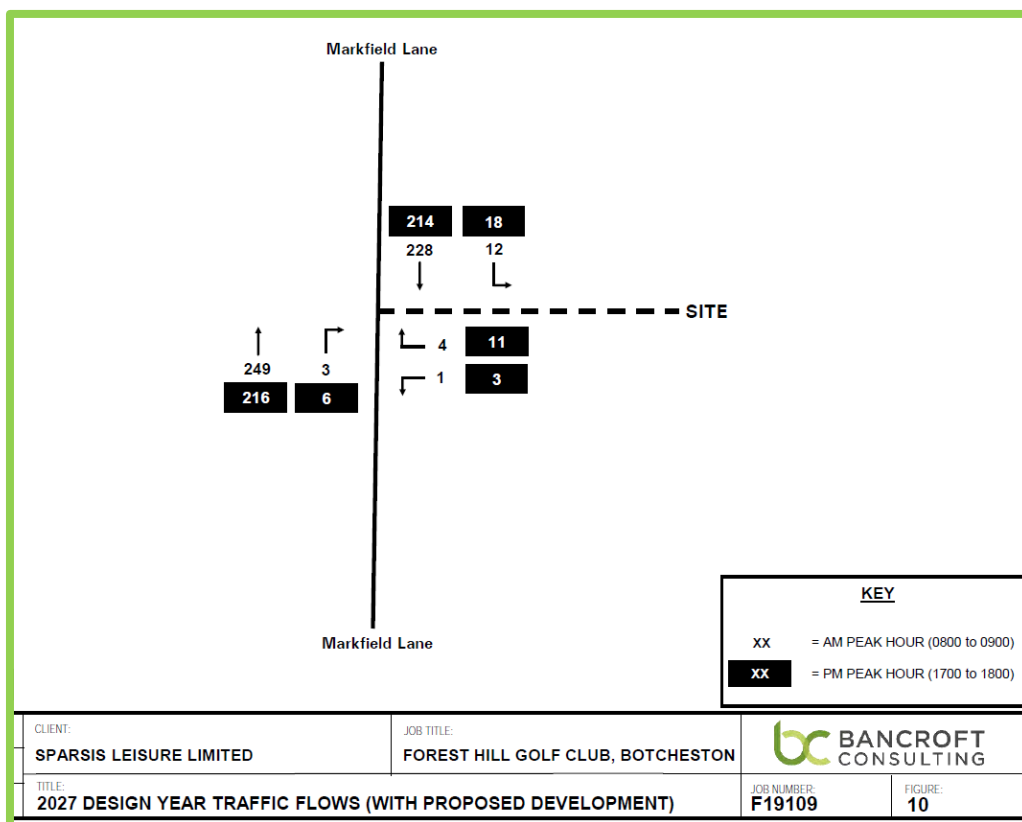
- 5.33 It is evident from the various sets of Formal Observations that the Highway Authority wishes to see an absolute worst-case scenario assessment of potential traffic generation. This is not a reasonable position to adopt and it is standard practice for trip generation calculations to be based around 85th percentile

conditions and even average values are now commonplace. As engineers, we have the responsibility not to over design developments such that occasional 'spikes' in demand can be addressed on a dynamic basis. The provision of a Travel Plan within any development is a key tool to monitoring travel behaviour and identifying soft measures for influencing modal choice.

- 5.34 Whilst I understand the officers desire to see parking and trip generation calculations using a worst-case scenario, it must also be understood how the final permission being sought is for the general principle of use, which in accordance with standard planning rules, is defined by the number of bedrooms and an overall description of other activities. As such, the development itself will have the opportunity to adapt to commercial demands throughout its life. It is also why parking standards are set at a specified rate and trip generation calculations are based around a range of comparable activities within a similar use class. Simply focusing on the current operation of an existing use (such as the Forest Hill Golf Club) does not tell us whether it is undertrading or overtrading in terms of activity, so our assessment must take into account the general use activity across a broad range of comparable sites.
- 5.35 Section 4 of the 2019 Scoping Study submitted as part of the initial application provided the results of a TRICS search at comparable golf club sites. Section 4.1.6 summarised the weekday daily traffic generation at three comparable golf clubs, with results ranging from 315 through to 433 movements. Using selected trip rates, Section 4.2.4 of the Scoping Study confirmed that the existing golf club activities could generate up to 396 weekday daily two-way movements, with 23 two-way movements in the morning peak hour and 24 in the evening peak hour. Paragraph 4.2.12 then sought to confirm the extent of daily traffic associated with the potential events, confirming a figure of 240 two-way daily movements.
- 5.36 The above assessment was updated as part of the 2022 Transport Assessment using revised TRICS trip rates to establish that the existing golf club activity could generate 198 weekday two-way daily movements, with 18 two-way movements in each of the morning and evening peak hours. This information was supported by operational details provided by the Applicant which indicated how up to 396 weekday two-way movements currently occur, taking into account all staff and visitor activity. In addition to this, and in response to the Highway Authority's

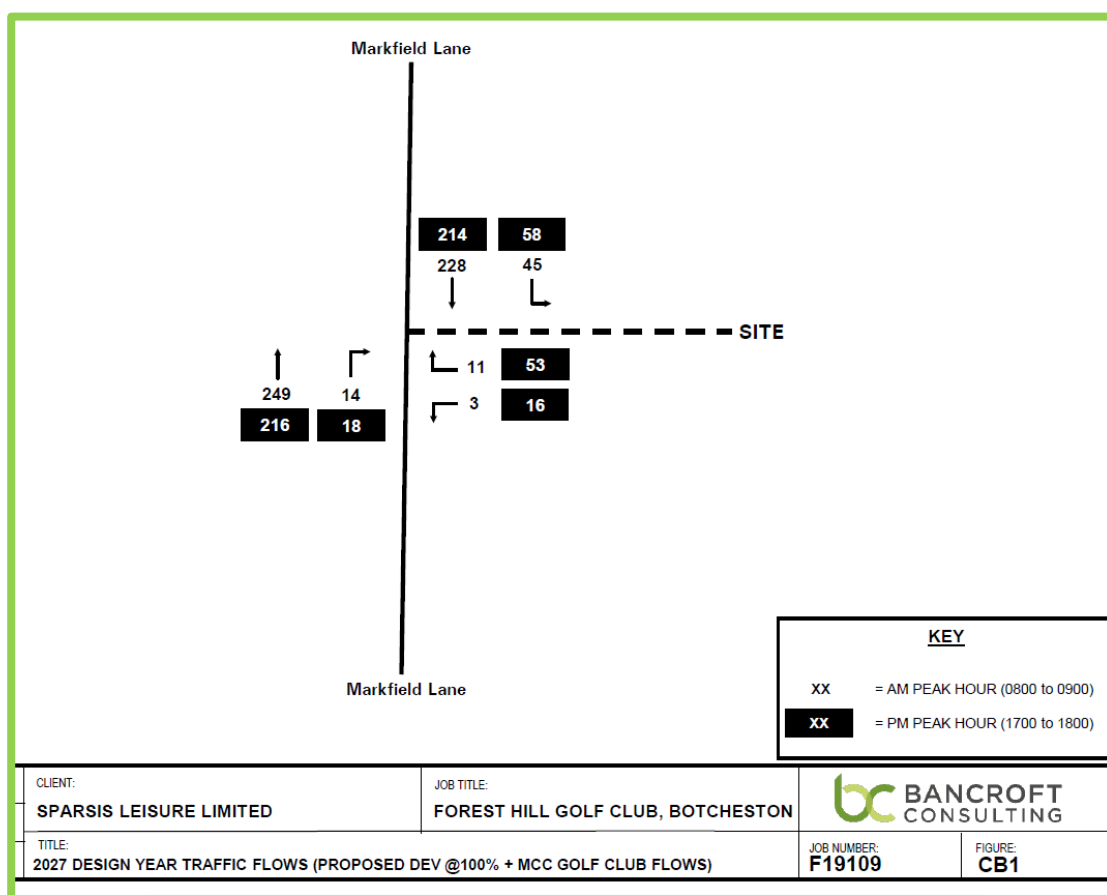
ongoing comments on this matter, a Manual Classified Count was undertaken on Friday 10th June 2022, during a neutral period outside of any COVID-19 travel restrictions. The surveys also coincided with a 'Foot Golf' tournament that was taking place at the golf club. The results identified the peak hour flows only and confirmed a total of 33 movements in the morning peak hour and 70 in the evening peak hour.

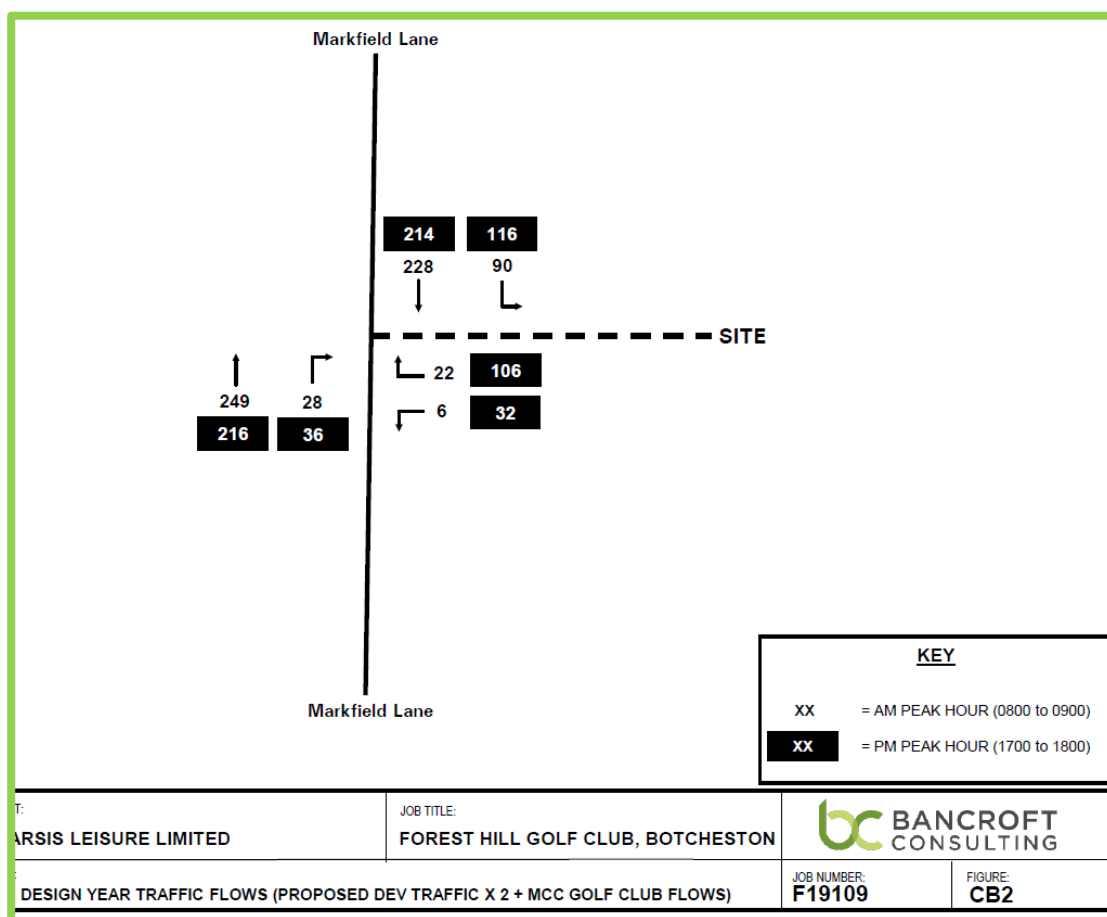
- 5.37 Section 7.3 of the 2022 Transport Assessment sets out the results of a similar TRICS exercise for the proposed hotel facility. It is clear that the Highway Authority does not accept this exercise as it does not include a hotel with exactly the same characteristics as the proposed use. I would again mention how the objective of this process is to acknowledge the potential variation in activities across this planning use (which would not necessarily require planning permission to implement) and present a robust assessment that is based on the evidence of busier sites (when assessed across a range of survey data).
- 5.38 The TRICS assessment of existing and proposed uses confirmed that the total combined weekday daily two-way traffic generation would be 709 movements (198 golf club plus 511 hotel), with 58 morning peak hour two-way movements and 93 evening peak hour two-way movements. Following research into other similar applications, Section 7.4.7 of the 2022 Transport Assessment explained how a 50% reduction had been applied to the proposed hotel trip to provide a fair assessment of how the two uses would inevitably work in conjunction with one another. This resulted in a weekday daily two-way traffic generation of 256 movements, with 20 two-way morning peak hour movements and 38 evening peak hour two-way movements.
- 5.39 Details of the resulting peak hour turning movements at the proposed site access were shown in Figure 10 of the 2022 Transport Assessment for the TRICS based calculations, Figure 11 presents the results of a sensitivity test using the higher observed flows for the existing golf club, based on the 2022 surveys. Extracts from each of these figures are shown below.



5.40 The above turning movements were subsequently fed into a junction model of the proposed site access layout. The results of this exercise were presented within Sections 8.1.10 and 8.1.11 of the 2022 Transport Assessment which confirmed that even under the sensitivity test of increased flows (Figure 11 above) the proposed site access layout would operate well within the theoretical limits of capacity, with no significant queuing or delays.

5.41 In response to ongoing concerns from the Highway Authority my letter of 25 January 2023 (see **Appendix CB9**) provided a further updated capacity assessment of potential traffic conditions without the 50% reduction factor (proposed use only) applied above within the Figure 11 turning movements. The previous junction model was then updated using these results (see below extract of Figure CB1 from my letter) along with the results of a further sensitivity test whereby all development turning movements from Figure CB1 were doubled (see below extract of Figure CB2 from my letter). The results of both modelling exercises clearly demonstrated how the proposed site access junction layout would continue to operate satisfactorily without any evidence of significant queuing or delays.





5.42 Following the above calculation of potential trip generation and capacity issues at the proposed site access, the 2022 Transport Assessment identified how the proposed hotel could generate up to 75 two-way movements during the evening peak hour (without any adjustment to reflect shared trips with the adjacent golf club). Figure 7 of the 2022 Transport Assessment confirmed how 76.5% of all hotel trips would be associated with the north, with 23.5% of trips associated with the south. This equates to 57 peak hour two way movements to the north and 18 to the south.

5.43 Within its Formal Observations the Highway Authority acknowledges the findings of this above but continues to raise further concerns regarding the golf club trip generation calculations due to COVID-19 and queries regarding the 'Foot Golf' tournament. However, it is clear that doubling both the existing and proposed use trip generation calculations has not led to any capacity concerns at the access that could warrant the provision of a right turn lane. In reviewing these results, I would suggest that there could be sufficient spare capacity within the proposed junction

layout for the turning movements to be doubled again without any resulting problems.

5.44 In its Formal Observations the Highway Authority highlights the ‘nearby junctions’ of Botcheston Road/Desford Lane and A50 Leicester Road/Launde Road/Desford Lane as being sensitive to proposed development increases. As regards the A50/Launde Road junction, this is circa 4 kilometres north of the site and immediately adjacent residential development in the Field Head area. Paragraph 111 of the NPPF is clear in its requirement for developments only to be required to resolve severe impact issues and I suggest it is wholly unreasonable to state that this development would exacerbate or create any significant capacity or safety issues at this location, with an increase of around 1 vehicle per minute in either direction.

5.45 Similarly, the Botcheston Road/Desford Lane junction is located circa 2.5 kilometres to the south of the site, where an increase of up to 18 peak hour movements is predicted, or 1 vehicle every 3 minutes or so. Again, it is wholly unreasonable to suggest that this change in conditions would exacerbate or create significant capacity or safety issues at this location.

Summary of the Case for the Appellant

5.46 RfR1 relates to the site’s unsustainable location and failure to demonstrate appropriate opportunities to promote sustainable transport modes. I have sought to explain how this position does not fully recognise the concept of sustainable travel and the importance of undertaking any assessment in the context of the nature and location of the development.

5.47 The proposed rural development clearly offers the potential for the electric minibuss to connect with the local bus network, cycling trips, shared car trips, and reduced car journeys within the road network by locating the hotel immediately adjacent to the golf club facility. These opportunities would be further enhanced through the travel plan process, the details of which have been confirmed as acceptable by the Highway Authority.

- 5.48 I believe the principles of sustainability have been incorrectly interpreted in this instance and the proposals are in fact in line with the principles of Policy 23 of the Core Strategy, Policy DM24 of the SADMP, and Paragraph 110 of the NPPF.
- 5.49 RfR3 relates to the provision of safe and suitable access, where the Highway Authority has raised concerns over a number of specific points. I have sought to address each of the outstanding points individually, demonstrating how there should in fact be no grounds for concern when full consideration is given to the available evidence of local conditions (both with and without the proposed development) and published design guidance, including the Highway Authority's own guidance, which clearly contradicts its stated position.
- 5.50 I believe it should be reasonable to conclude that the proposed access arrangement shown in Drawing Number F19109/13 Revision C (see **Appendix CB12**) would constitute a safe and suitable arrangement for both existing and proposed users.
- 5.51 In providing its justification for RfR4 the Highway Authority has persistently ignored what I consider to be a perfectly reasonable case for predicting the proposed change in traffic conditions associated with the scheme. This included, site specific surveys, generic travel data for comparable sites, and administration records from the golf club, all in accordance with the Highway Authority's normal requirements. Very little explanation has been given for the continued objection and this has led to its failure to properly consider the impact issues.
- 5.52 I have sought to provide a clear explanation of the way in which this matter has been repeatedly addressed through formal submissions, which included the use of extremely robust sensitivity tests that doubled the previously calculated trip generation for both uses. This has proven how the proposed development would not generate a material change within the current operation of the surrounding highway network, which could warrant any specific mitigating highway improvements, in the context of Paragraph 111 of the NPPF.

6.0 SUMMARY

- 6.1 The application for the proposed 98 bed hotel facility and associated access and parking was refused by Hinckley and Bosworth Council on 13 March 2023. The Decision Notice confirms that the application was refused for 5 reasons, 3 of which related to highway and transport issues. The refusal was made in line with consultation advice from Officers at Leicestershire County Council, acting as the Highway Authority. In highway terms the application was ultimately refused on the grounds of Policy 23 of the Core Strategy, Policies DM17 and DM24 of the SADMP, and Paragraphs 110 and 111 of the NPPF.
- 6.2 This appeal arises from approximately three years of detailed technical submissions spanning two separate planning applications where the proposals reduced in size from a 152 bed hotel down to 98 beds in the current application. It is clear from the evidence provided how the Highway Authority has maintained a position on certain aspects from the outset yet failed to enter into any reasonable dialogue with the applicant outside of Formal Observations that may have led to an agreement on specific points.
- 6.3 In considering the issues raised by Reason for Refusal 1 I have demonstrated how the officers have incorrectly interpreted what constitutes sustainable travel and how current published policy guidance clearly supports the case presented in respect of this well-established rural location. It is clear that the proposed scheme would offer genuine opportunities for cycle access and connecting to the local bus network via the proposed electric minibuss, alongside shared car journeys and reduced travel within the highway network because of the close proximity of the golf club and proposed hotel. Opportunities to further encourage sustainable travel would be explored through implementation of the Travel Plan, the details of which have been agreed by Highway Authority in its formal observations. These should clearly satisfy the requirements of Policy 23 of the Core Strategy, Policy DM24 of the SADMP and then Paragraph 110 of the NPPF.
- 6.4 In reviewing the points of concern related to Reason for Refusal 3 I have identified how the proposed layout (Drawing Number F19109/13 Revision C) would deliver a layout that is entirely compliant with the Highway Authority's published guidance, particularly on matters such as visibility, geometric layout and vehicle manoeuvres. Further evidence has been provided to demonstrate how a right turn lane should

not be necessary to support a scheme, in line with established national design guidance. There should be no grounds for continued objection on the basis of Paragraph 110 of the NPPF.

- 6.5 The Highway Authority's continued resistance on the trip generation calculations has led to Reason for Refusal 4, which covers off-site impact issues. By presenting the case for trip generation throughout the various submissions I have sought to demonstrate how the Highway Authority had sufficient information available to conclude that a robust assessment of conditions has been undertaken in support of this application. It is an agreed point that there are no established highway problems that could be exacerbated by the proposals and the predicted peak hour increases would not create or materially worsen any capacity issues within the immediate surrounding network.
- 6.6 In summary, contrary to the three highways based Reasons for Refusal, I believe that the proposed development and its access layout would deliver a safe and suitable arrangement for existing and proposed users, with a marked improvement over the existing substantial layout. Through implementation of a bespoke bus service, on-site cycle parking and a Travel Plan, the proposals would offer users of both the hotel and the golf club with increased opportunities for sustainable travel in line with published guidance on the required strategies for rural development such as this. Away from the site access, the proposed hotel would not generate significant peak hour traffic increases that would create any problems where none currently exist. Hence, I do not believe there are any reasonable grounds for objecting to the proposed development, particularly in respect of Paragraphs 110 and 111 of the NPPF, as cited in the three highways based Reasons for Refusal (RfR 1, 3 and 4).



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