



TOWN & COUNTRY PLANNING ACT 1990

**APPEAL BY CENTRAL ENGLAND CO-OPERATIVE C/O MATHER
JAMIE**

**SITE ADDRESS: LAND WEST OF WORKHOUSE LANE,
BURBAGE, LEICESTERSHIRE LE10 3AS**

PLANNING APPLICATION No: 20/01012/OUT

APPEAL REFERENCE: APP/K2420/W/22/3311038

**Statement of Case prepared on behalf of Leicestershire County
Council as Local Highway Authority**

1.0 Introduction

- 1.1 This statement of case sets out the details of the case that Leicestershire County Council as the Local Highway Authority (“the LHA”) proposes to put forward at this appeal and the documents which will be referred to in support of Hinckley & Bosworth Borough Councils Council’s decision as the Local Planning Authority (LPA) to:

Refuse planning permission for the construction of up to 40 dwellings, public open space, and associated Infrastructure at Land West of Workhouse Lane, Burbage.

- 1.2 The LHA advised the following reason for refusal within its observations submitted to the LPA on 18 December 2020, 15 February 2021, 15 July 2021 and 23 February 2022:

“The Applicant has failed to demonstrate the principle of a safe and suitable access route can be achieved to the site between the junction of Workhouse Lane and Britannia Street and the proposed site access, contrary to paragraph 108 of the National Planning Policy Framework.”

- 1.3 The LPA refused the application on two grounds, with the highway reason for refusal as follows:

“The applicant has failed to demonstrate the principle of a safe and suitable access route can be achieved to the site between the junction of Workhouse Lane and Britannia Street and the proposed site access, contrary to the requirements of Policies DM17 of the SADMP and paragraph 108 of the National Planning Policy Framework.”

2.0 The Site and Location

- 2.1 The site lies to the west of Workhouse Lane and south of Frezenberg Close, Burbage. Access to the site is proposed off Workhouse Lane, an unclassified road subject to a 30mph speed limit. The section of highway subject of this appeal and of concern to the LHA is the section of Workhouse Lane between Britannia Road and Frezenberg Close.

3.0 Relevant Planning History of Site

- 3.1 Other than application reference 20/01012/OUT, the LPA has not consulted the LHA on any other planning applications at the site.

4.0 Relevant National and Local Planning Policy and Guidance

- 4.1 When issuing the advice of refusal, the LHA have had regard to:

- 4.1.1 The National Planning Policy Framework (NPPF, 20th July 2021) specifically paragraph 110 which says,

“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.”

The LHA consider parts b) and d) most relevant to this appeal.

- 4.1.2 The Leicestershire Highway Design Guide (Interim, January 2022), particularly Part 3, Tables DG1 (general geometry of residential roads), DG4 (visibility splays) and DG5 (broad junction types and corner radii within developments).

5.0 Evidence to be submitted by the LHA

- 5.1 The LHA will outline its concerns in respect of the carriageway widths of Workhouse Lane between the Workhouse Lane/ Britannia Road and Workhouse Lane/

Frezenberg Close junction. The LHA is of the view that a minimum 5.50m carriageway width should be provided along Workhouse Lane given the proposed development would add additional traffic along the road.

5.2 The LHA will contend that the access route is not suitable for a material increase in traffic and therefore is detrimental to highway safety given its width.

5.3 The LHA will provide evidence from video traffic surveys of Workhouse Lane, undertaken between Tuesday 15th – Thursday 17th March 2022, which indicates there is already an existing level of conflict along the route.

6.0 Documents to which the LHA may refer

6.1 The following is a list of documents that may be referred to or put in evidence at the hearing:

- All relevant national and local planning policy and guidance
- Relevant case law and appeal decisions
- Any other relevant documentation
- Traffic surveys of Workhouse Lane undertaken by the LHA