

Appeal Decision

Site visit made on 6 September 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2016

Appeal Ref: APP/L2630/W/16/3150975

Adjacent Waveney House, Low Road, Bressingham, Diss, Norfolk IP22 2AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Paul Rackham Ltd against the decision of South Norfolk District Council.
 - The application Ref 2015/2856, dated 11 December 2015, was refused by notice dated 7 March 2016.
 - The development proposed is erection of industrial unit.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of an industrial unit at land adjacent to Waveney House, Low Road, Bressingham, Diss, Norfolk IP22 2AG in accordance with the terms of the application, Ref 2015/2856, dated 11 December 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15178 8, 15178 100 and 15178 101.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No development shall commence until details of the off-site highway improvement works for the provision of a ghost island right-hand turn lane on the A1066 Low Road at the site access have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the improvement works have been completed in accordance with the approved details.
 - 5) The development shall not be occupied until the proposed access, on-site parking, loading, unloading and turning areas have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and shall thereafter be retained for such use.
 - 6) The development shall not be occupied until details of external lighting have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained as such.
-

- 7) No machinery or power tools shall be used on the site outside the building in connection with any industrial process or activity, except for the purpose of maintenance of the land and/or the building, unless approved in writing by the local planning authority.
- 8) No generator, compressor, chilling unit or cooling fan shall be installed on the site until details of the equipment have been submitted to and approved in writing by the local planning authority. The installation shall be carried out in accordance with the details as approved and shall thereafter be retained as such.

Main Issue

2. The main issue is the effect of the proposed development on the safe and efficient operation of the highway network.

Reasons

3. The appeal site is located in the countryside on the A1066, a road identified as a principal route and 'Corridor of Movement' in the South Norfolk Local Plan Development Management Policies Document 2015 (DMP). While the amount of traffic was not high at the time of my early afternoon site visit, vehicles travelled at fast speeds past the appeal site around the national speed limit of 60mph and frequently included heavy goods vehicles (HGVs).
4. The existing access off the A1066 into the appeal site is used by vehicles entering and exiting the adjoining business premises. This includes HGVs and tractors, which typically take longer to complete turning manoeuvres due to their size and speed. The visibility of the access is reasonable in both directions along the A1066, although more reduced for eastbound traffic due to a crest and bend in the road. Traffic using this section of the A1066 is therefore at risk of disruption through reduced speeds and potential collisions in the vicinity of the access. Data from the local highway authority indicates that a considerable number of vehicles use the A1066 each weekday and highlights a serious road accident in 2013 involving a vehicle using this access.
5. In terms of the first reason for refusal, no detailed information has been provided regarding the existing and potential numbers of vehicles using the access or the precise use of the proposed industrial unit. The local highway authority has estimated 90 vehicle movements per weekday which the appellant has not disputed. Notwithstanding the lack of detailed information, it is evident that the proposed unit would result in significantly more vehicles using the access than is currently the case, including HGVs. This would represent an intensification of movements onto and off the A1066. Based on the current highway conditions, this would increase the risk of traffic disruption and accidents.
6. The Council, based on advice from the local highway authority, has indicated that a ghost island right hand turn lane facility would mitigate the impact of the proposed development and overcome the first reason for refusal. The appellant is unwilling to provide such a facility. However, it would allow vehicles entering the site from the east more time to wait and manoeuvre, assist in terms of the flow of traffic along the A1066 and reduce the risk of collisions. While there is no evidence to suggest that the access has a capacity problem based on its existing or proposed use, there are safety issues arising from the nature of the A1066 in this location.

7. Therefore, I agree that a right hand turn lane facility would help to mitigate some of the negative effects the proposed development would have on the efficiency and safety of the highway network and could be secured by planning condition. I note the appellant's concerns regarding the financial implications of providing such a facility on land outside of their control, but I consider that it would be necessary, relevant and reasonable given the proposed intensified use of the access.
8. In terms of the second reason for refusal, a tarmacked driveway leads from the A1066 to the appeal site which widens at the point where the industrial unit would be sited. Whilst wide enough for large vehicles to use, the proposed layout of the industrial unit and its car parking, along with existing buildings to the east on the adjoining business premises means that there would be insufficient space for HGVs accessing the appeal site to turn around without reversing.
9. It is apparent that the appellant only has access rights over a strip of land from the junction with the A1066 to the north-eastern corner of the appeal site that is narrower than the actual driveway. The appellant has sought to demonstrate how a HGV could reverse into the proposed unit within this strip of land and then enter the A1066 in a forward gear. The manoeuvre would be tight based on the existing and proposed layout of buildings, but not impossible. Furthermore, the strip of land is not marked on the ground and in planning terms there is nothing to prevent a HGV using the whole driveway if needed. Therefore, I am satisfied that the proposal incorporates adequate facilities to enable a HGV to turn and enter the highway in a forward gear in the interests of highway safety.
10. Concluding on the main issue, the proposed development would have an acceptable effect on the safe and efficient operation of the highway network based on the on-site turning facilities and the provision of an off-site ghost island right hand turning lane facility which would be secured by means of a planning condition. Therefore, the proposal would accord with DMP Policy DM3.11 as an intensified use of a direct access onto a Corridor of Movement that would not prejudice the safe and free flow of traffic. It would also meet the aims of paragraph 32 of the National Planning Policy Framework as safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of development.

Other Matters

11. While the precise use of the proposed development is not fixed, it is likely to generate additional noise from its operation as an industrial unit as well as the extra traffic movement. This would have some effect on the living conditions of occupiers of Waveney House to the south, but set against the context of existing noise from the adjoining business use and A1066, it would not result in unacceptable harm. Noise generating equipment could be controlled through appropriately worded conditions.
12. The access into Waveney House is in front of the property via the driveway off the A1066. The proposed unit would be located to the rear of the property. Therefore, while there would be additional traffic movements arising from the development, it would be unlikely to affect or block the access into Waveney House.

Conditions

13. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. A condition concerning the materials to be used on the external surfaces of the building is necessary and relevant to ensure that the appearance of the development is satisfactory. However, a condition relating to the details of boundary treatments is not necessary as the plans show that existing boundary treatments will remain.
14. As stated above, a condition for the off-site provision of a ghost island right-hand turn lane facility is necessary, relevant and reasonable to make an otherwise unacceptable development acceptable. Requiring the access, parking, loading, unloading and turning areas to be provided before the development is occupied is also necessary to ensure that it is satisfactory and safe for all vehicles. However, a condition requiring details of on-site parking during the construction period is not necessary as adequate space exists within the appeal site and around the proposed industrial unit.
15. A condition requesting details of the proposed external lighting is necessary to ensure that the living conditions of occupiers of the adjoining property at Waveney House are not unduly harmed. For the same reason, a condition requiring details of a range of noise generating equipment is also necessary, along with a condition restricting the use of machinery and power tools outside the building in connection with any industrial process.

Conclusion

16. The proposed development would have an acceptable effect on the safe and efficient operation of the highway network based on the on-site turning facilities and the provision of an off-site ghost island right hand turning lane facility which would be secured by means of a planning condition. For this reason, and having had regard to all other matters raised, I therefore conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR