
Appeal Decision

Site visit made on 2 September 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2020

Appeal Ref: APP/H1705/W/20/3252433

Land adjoining Clift Surgery, Minchens Lane, Bramley, Basingstoke, Hampshire RG26 5BH

- 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 Charles Elliott Properties Ltd against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/03100/FUL, dated 11 November 2019, was refused by notice dated 13 March 2020.
 - The development proposed is the formation of vehicular and pedestrian access.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of vehicular and pedestrian access at Land adjoining Clift Surgery, Minchens Lane, Bramley, Basingstoke, Hampshire RG26 5BH in accordance with the terms of the application, Ref 19/03100/FUL, dated 11 November 2019, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. There are a number of vehicular junctions onto Minchens Lane in the vicinity of the site, including access to Clift Surgery, an SSE Sub-Station and Burlington Way. However, Hampshire County Council's highway officers have raised no objection to the proposals, even having regard to the existence of a permission in principle (PIP)¹ for the erection of between 4 to 6 dwellings in the adjacent field. The proposal would provide alternative access into this field, which is currently accessed via the surgery car park. I place significant weight on the expert views of the Highway Authority.
4. The Council have referred to on-going highway safety issues with nearby junctions, including the access to the adjacent Clift Surgery where there has been reports of a minor injury to a pedestrian. These are consistent with the third-party concerns raised. However, I have been provided with little technical evidence, such as vehicular speeds and movements, to indicate that the proposal to provide the alternative field access would cause or exacerbate any highway safety issues.

¹ LPA ref: 19/01470/PIP

5. Minchens Lane is part of the rural road network in and around the village of Bramley. At the proposed access the highway has a width sufficient for vehicles to pass, a pavement and pedestrian crossover outside the site, and a dedicated footpath and cycleway on the opposite side separated from the vehicular carriageway by a hedge. These provide safe and suitable facilities for a range of highway users and would not be affected by the proposal. Furthermore, the highway is subject to a 30 mph speed restriction, and the proposed plans illustrate that visibility splays suitable for this context can be achieved. Additionally, I have observed that the roads within the village are characterised, in part, by regular private access points within relatively short distances of each other. The proposal would be in keeping with this context.
6. Finally, the Council have drawn my attention to another development within the village that was refused planning permission on highway grounds². However, based on the evidence provided this was not identical to the case before me, for example it could not achieve adequate visibility splays, and so I afford it limited weight.
7. Therefore, in conclusion on the main issue I find that the proposal would not have an unacceptable impact on highway safety. As such, the proposal would not conflict with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan (2011-2029), Adopted May 2016 and the National Planning Policy Framework. These seek amongst other aims to provide safe and suitable access for all users and prevent development that would have an unacceptable impact on highway safety.

Conditions and conclusion

8. The Council have suggested a number of conditions, incorporating those requested in the highway consultation response regarding the provision of a non-migratory surface and visibility splays. Furthermore, I have had regard to the appellant's comments on those suggested conditions noting that they agree to the majority of them.
9. I have imposed the standard implementation and approved plans conditions in the interests of defining the terms of the permission. Furthermore, in the interests of highway safety I have imposed conditions requiring the provision of visibility splays and bound surface materials consistent with the appellant's own submissions. I consider that these conditions would address the requirements of the Council and the Highway Authority without unreasonably linking this proposal to other nearby development that does not currently have the benefit of technical details approval and may, or may not, happen.
10. However, given that this proposal relates to the construction of an access I do not find it reasonable to restrict the hours of construction, the associated delivery hours or require a construction method statement. These would be disproportionate to the scale and nature of the works.
11. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR

² LPA ref: 15/03077/HSE

Schedule of conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Tree Constraints Plan, HDC/DP/301 – Proposed Site Access, and 083/CEP/002 – Block Plan.
- 3) Prior to the first use of the development visibility splays of 2.4m x 43m shall be provided at the access. These splays shall be kept clear of obstructions between 1m and 3m above the adjacent carriageway level and maintained at all times thereafter.
- 4) Prior to the first use of the development the non-migratory surface detailed on the hereby approved plans shall be provided and maintained at all times thereafter.