
Appeal Decision

Site visit made on 5 January 2021

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 February 2021

Appeal Ref: APP/H1705/W/20/3260269

Land at Redlands, Basingstoke, Hampshire

- 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 Mr David Nash (Bellway Homes Ltd (Wessex Division)) against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 20/00953/FUL, dated 31 March 2020, was refused by notice dated 14 August 2020.
 - The development proposed is described as 'Form 1 No. Temporary Access'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The planning application and appeal have been made in different names. However, as both are associated with the same company, I have taken the appellant's name from the most contemporaneous details and referenced the company name.
3. The appellant has submitted a further drawing (ref: SK-200-TEMP-ACCESS) as part of their evidence. I do not consider that this changes the development so as to prejudice the interests of any interested parties. Therefore, I have proceeded to determine the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

5. Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029 (the LP) sets out that all development will be of a high-quality design and supports accessible and safe proposals. Furthermore, Policy CN9 of the LP sets out that development proposals will be permitted subject to a number of criteria. These include that they integrate into existing movement networks; provide safe, suitable and convenient access for all users; do not compromise highway safety; do not have a severe impact on the operation, safety or accessibility to the local or strategic highway networks; and mitigates impacts on the local or strategic highway network. As such, the LP has a high degree of conformity with Section 9 of the National Planning Policy Framework (the Framework).

6. The proposal would result in a new temporary access onto the A33 which at this point is a single carriageway providing a main route to the north of Basingstoke. The parties agree that the location of the access, in proximity to the crest of the hill to the south on the A33, makes an all movements junction unsuitable. Both parties refer to the Design Manual for Roads and Bridges (DMRD) CD123.
7. Based on the evidence before me there is inadequate forward visibility for north bound traffic to safely turn right into the site. Furthermore, there is inadequate visibility to the south for vehicles to safely turn right out of the site and join the north bound carriageway. This is based on the current speed limit of 50 mph and the DMRD guidance. This accords with what I saw on my site visit and furthermore, I have been presented with evidence that the speeds of north bound traffic at the 85th percentile marginally exceed the speed limit. Based on the evidence before me I consider that an all movements junction would have a very significant detrimental impact on highway safety along this part of the A33.
8. Whilst the proposal has been specifically designed in order to restrict right turns into and out of the junction, including a raised kerb traffic island, I am mindful that a number of vehicles may physically be able to carry out such manoeuvres. The appellant considers that these are likely to be *de minimis*. However, I have little evidence to support this. Given the detours required for vehicles to comply with this critical safety measure, the likelihood of securing compliance is a matter of great significance. The distances involved with the detours are not insignificant. While the Taylor's Farm Roundabout is unsuitable for large vehicles to turn due to construction work at this point, the detours in both directions would be well over 2 miles. The movements may add to congestion. Moreover, during periods of congestion on the A33 the time such detours would take to complete would be increased, making them inconvenient. In light of this I consider that some right turn movements may be likely to occur without a proper means to secure compliance.
9. The appellant suggests conditions may be utilised such as a construction traffic management plan. This may include details of a permanent 'banksman' to ensure that drivers do not make right turns in or out of the site. However, whilst this may act as a deterrent, I do not afford this the same weight as a legally binding requirement, such as a traffic regulation order. No legal agreement is before me to secure this. Furthermore, the enforceability of such a condition, including monitoring a permanent staffed presence at the junction would not be practical. The appellant has indicated that they have sought to reduce the speed limits at this point along the A33. This may improve safety. However, I have not been provided with a mechanism to secure this either and so I afford it little weight.
10. The appellant has drawn attention to the Sherfield-On-Loddon Neighbourhood Plan 2011-2029 including its references at Policy T3 to improving road safety. This includes making the existing Wildmoor Lane junctions on the A33 left turn only. However, I find that this policy and its approach to improving existing safety matters does not extend to supporting the design of an entirely new junction.
11. Additionally, I have noted the Council's other highway safety concerns. These include the potential for vehicles turning left out of the site to drive over the

solid central white lines, and north bound vehicles to be on the wrong side of the road whilst overtaking slow moving traffic. However, based on the evidence before me I do not find that these scenarios would be so likely so as to merit withholding planning approval. Furthermore, other matters such as debris on the road could be mitigated through the appropriate use of planning conditions.

12. The appellant has provided details of accident data for 5 years to the end of 2019. This shows a number of accidents in the vicinity of the site due to various reasons. I consider that this demonstrates that highway safety is a relevant matter at this point on the network even without the proposed junction. However, whilst it gives some context of existing conditions, I do not find that it provides strong evidence either in support of, or against the proposal.
13. The appellant highlights that the proposal was initially supported by both the local highway officer and the planning officer. Despite this support the members of the Council's planning committee determined to refuse the application. Whilst I note the views of the professional officers, members are not bound by their recommendations in exercising a reasonable planning judgement.
14. Therefore, in conclusion on the main issue the proposal would significantly compromise highway safety. As such, the proposal would be contrary to Policies EM10 and CN9 of the LP. Whilst the duration of the temporary permission appears to be a matter of some flexibility for the appellant, it is likely that it would be in use for a number of years. As such, the identified harm would be felt for a notable duration and so I afford it significant weight.

Other matters

15. The appellant asserts that the proposal would facilitate the earlier delivery of housing approved¹ on the land to the east. Without the proposed temporary construction access the appellant states that there would be no completions in 2021/2022 relying only on the approved permanent site access to the north. Delivery of housing would then slip into 2025/2026. The parties agree that the Council does not have a 5-year housing land supply in accordance with paragraph 73 of the Framework. As such, relevant policies for the supply of housing should not be considered up-to-date and paragraph 11 should therefore be applied.
16. Based on the evidence before me the parties are in broad agreement that the proposal would speed up housing delivery from the adjacent land by approximately one year. Paragraph 59 of the Framework refers to boosting significantly the supply of housing. Furthermore, land with planning permission should be developed without unnecessary delay. Whilst the proposal may facilitate a notable number of additional units within the relevant period, and I afford this some weight, it would not change the total number of units delivered overall.
17. In terms of sustainable development's component dimensions there would be a more immediate economic benefit in the swifter construction and occupation of the new properties. Based on the information before me the proposal would result in a broadly neutral impact in terms of environmental considerations. In

¹ LPA ref: 16/02457/OUT

terms of the social credentials of the scheme it would be substantially compromised having regard to the need for a well-designed and safe built environment. Ensuring safe access is a feature of good design and that is also a key aspect of sustainable development.

18. As such, even if I were to find that the shortfall in housing land supply were significant, when assessed against the policies of the Framework taken as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of facilitating earlier housing delivery. Therefore, the proposal would not be a sustainable form of development.

Conclusion

19. For the reasons given above I conclude that the appeal would be contrary to the development plan and that there are no other material considerations, including the Framework, to outweigh this. As such, the appeal should be dismissed.

James Taylor

INSPECTOR