



Appeal Decision

Site Visit made on 2 November 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2022

Appeal Ref: APP/V3310/W/21/3273027

Land off Hamp Bridge, Bridgwater TA6 3BY

- 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 Olympus Holdings Ltd against the decision of Sedgemoor District Council.
 - The application Ref 37/19/00124, dated 23 December 2019, was refused by notice dated 20 October 2020.
 - The development proposed is formation of new vehicular access off Hamp Bridge and erection of 9no. dwellings, with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of new vehicular access off Hamp Bridge and erection of 9no. dwellings, with associated parking at land off Hamp Bridge, Bridgwater TA6 3BY in accordance with the terms of the application, Ref 37/19/00124, dated 23 December 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are whether or not the approach road to the proposed development, via Taunton Road, would be acceptable, with particular reference to the efficiency of the road network and the safety of road users; and the effect of the proposed internal access road on vehicular and pedestrian safety.

Reasons

Approach Road

3. The 9 dwellings proposed would derive access off the road known as Hamp Bridge. This is a no through road that is accessed off the busy A38 (Taunton Road) and serves a small number of properties and commercial uses, including a self-storage facility on land adjacent to the appeal site. The road once served as the primary access to a former primary school located to the appeal site's east. However, its use has since ceased following its demolition.
4. TRICS data indicates that the proposed dwellings would generate around 50 additional vehicle trips a day. Spread over the course of the day this is not a substantial amount of activity, given the presence of other uses that require access along the road. Moreover, even though the primary school is no longer in use, it would have generated approximately 270 daily vehicle movements along Hamp Bridge. Therefore, historically it was likely that the approach road to the site from the A38 junction was carrying higher volumes of traffic, compared to the current and proposed situations.

5. From the west, vehicles leaving the A38 onto Hamp Bridge encounter a short section of straight road wide enough for two vehicles to pass safely, although partially hampered by vegetation growing into the carriageway. The road narrows as it forms into a left-hand bend before its alignment straightens once more at the eastern end of the canal bridge, a short distance beyond which is the appeal site. The available width along this part of the approach road is between 2.9m and 4.9m, which prevents two-way traffic for much of its length. Furthermore, the road's alignment combined with the encroaching roadside vegetation limits forward visibility in both directions.
6. These carriageway limitations, nevertheless, are controlling traffic on Hamp Bridge. The submitted Automatic Traffic Counter (ATC) data indicates that southbound vehicle speeds around the bend are 13mph (85th percentile during dry weather). This is very low and suggests that vehicles are exercising caution when travelling along the road. Indeed, I observed during my site visit that the road's geometry engendered cars and vans to be attentive when approaching the bend from both directions. They were also, in my view, travelling at speeds consistent with the ATC data. Given these conditions, it is reasonable to deduce that vehicles coming to and from the appeal site would also be travelling at similar speeds.
7. Notwithstanding this, there would likely be situations where vehicles would encounter each other along the road, forcing one or the other to reverse around the bend a short distance to a wider section of the road, so the other can pass. This is not an ideal situation as vehicles would have to make an awkward manoeuvre with restricted visibility. To improve the circumstances, the appellant proposes to remove some of the roadside vegetation that's currently encroaching into the public highway.
8. Cutting vegetation back to the roadside walls / fences would widen the approach road by approximately 1m in places and allow some smaller vehicles to pass each other on the straighter sections of the carriageway. This would not fully resolve the restricted forward visibility caused by the physical boundaries (walls, fences), some of which are on third party land. Nevertheless, it would appreciably improve the situation and allow some vehicles (and other road users) to safely pass one another. Additionally, the incidences of having to reverse around the bend would likely reduce to some extent because of the cutting.
9. Additional widening of the carriage way along the approach road would be further facilitated by the proposed visibility splay to the west of the site's access. This would enhance visibility for vehicles emerging from the site and for those traversing the canal bridge from the west. The County Highway Officer's statement of case does not object to these arrangements.
10. Hamp Bridge is also a public right of way which is intersected by a national cycle route to the west of the canal bridge. Several pedestrians and cyclists were observed travelling along these routes during my site visit. When travelling around the bend or approaching the canal bridge's blind summit, visibility of oncoming vehicles would be restricted. However, the typically low vehicles speeds and the sound of engines would provide pedestrians and cyclists sufficient time to react, and safely adjust their direction of travel or stop if required.

11. The Council's evidence has not included any details of known collisions between road users along Hamp Bridge. Furthermore, there have been no recorded road accidents between the appeal site and Hamp Bridge's junction with the A38 in the past 20 years. This was during a time when daily movements along the road would have been much higher due to the previous primary school.
12. The Council have referred to concerns raised by a local waste contractor in their comments on a previous application¹ that would have utilised Hamp Bridge. However, I have not received any similar comments in respect of this proposal. Nevertheless, it is acknowledged that larger refuse vehicles may find the geometry of the approach road somewhat challenging. But often in similar circumstances smaller vehicles could be utilised for the collection of waste.
13. At the site visit it was noted that the approach road is already being used by transit vans and home removal vehicles accessing the self-storage facility. There is no compelling evidence before me indicating that the existing road alignment is resulting in difficulties for those larger vehicles or causing unsafe highway conditions.
14. Therefore, despite Hamp Road's narrow alignment and restricted forward visibility in places, the evidence before me suggests that those conditions have not resulted in any serious conflict between road users. The evidence presented demonstrates that, subject to mitigation, the approach road to the site along Hamp Bridge can withstand the relatively modest increase in vehicle and pedestrian movements that would arise from the scheme without incurring further undue additional risks or adverse effects on other traffic along Hamp Bridge. The mitigation measures proposed could be secured through conditions, discussed later in this appeal, should it be allowed.
15. In addition to the trimming of vegetation along the roadside boundary, the appellant's mitigation strategy includes road markings to enable a pedestrian footway and the installation of a mirror for improved visibility. Given my findings, these would not be necessary.
16. The Framework requires that 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 severe². The evidence against the proposed scheme falls short of such a threshold.
17. I therefore conclude that the proposal would provide efficient and safe access for all users along the road network and would not be contrary to Policy D14 of the Sedgemoor District Plan (2011 and 2032) (Local Plan) to the extent that it seeks, amongst other things, to ensure that proposals provide a safely located access with adequate visibility and that the volume of traffic generated by the proposal would not compromise the safe and free flow of traffic or the safe use of the road by others.

Internal Access Road

18. A revised internal road layout drawing was submitted with the appeal. The Council were given the opportunity to comment on this.

¹ Application Ref 37/18/00065

² Paragraph 111, Framework 2021

19. This shows a kerb build-out about halfway along the straight portion of the estate road. The narrowing of the carriageway at this location would discourage vehicles from travelling at excessive speeds. Moreover, the road terminates at a 'hammerhead' a short distance to the southwest of the build out, and given the residential character of the street, it would be highly unusual for vehicles to be travelling at excessive speeds. Therefore, I am satisfied that the changes to the road layout would ensure safe road conditions for pedestrians.
20. A pedestrian footway measuring 1.5m in width would run parallel with the estate road's vehicular carriageway. This would fall short of the Council's recommended standard of 1.8m. This, however, would be a modest shortfall, and I note from Manual for Streets that the width would still be able to comfortably accommodate two-way pedestrian movements, along with prams and mobility scooters. Also, the small number of dwellings served by the proposed estate road, would unlikely result in the footway being congested or cause users to step out onto the vehicular carriageway due to the marginal shortfall in the standard width. Accordingly, its dimension would be acceptable from a highway safety perspective.
21. The concerns that the proposed estate road would not be paved is not a matter that would result in detrimental conditions that would harm the safety of road users. Therefore, I have given that matter limited weight.
22. The proposed internal access road has an acceptable design that would not harm the safety of pedestrians and vehicles. It would comply with the provisions of Policy D14 of the Local Plan where it requires proposals to ensure the provision of safe, inclusive and convenient access for road users. The provisions of the Framework, referred to earlier, would also be met.

Other Matters

23. The proposed dwellings would have a pleasant rearward outlook of the adjacent canal and the trees and hedgerow that border it. North facing windows and frontage gardens would, however, have the harsher perspective of the adjacent storage containers. But this could be effectively softened and screened by additional planting, secured through condition, along the common boundary.
24. The Council is satisfied that the proposal would be acceptable in all other respects and compliant with its development plan, subject to conditions. There is no evidence before me to dispute that position.

Conditions

25. I have had regard to the Council's suggested conditions, amending them where necessary for clarity and to ensure compliance with the tests set out in paragraph 55 of the Framework. I also sought agreement from the Appellant to the pre-commencement conditions.
26. I have imposed a condition specifying the approved plans as this provides certainty.
27. A construction management plan is necessary to establish safety and environmental procedures for the work phase of the scheme. Accordingly, these measures should be agreed before work begins.

28. Conditions relating to the implementation of surface water management at the site are necessary in the interests of public health and the avoidance of surface water flooding. These are required before the commencement of development as they would likely form part of the early works.
29. A condition requiring details of the management of construction traffic is required in the interests of highway safety and the amenity of nearby occupiers.
30. The requirement for the removal of vegetation along Hamp Bridge would need to be delivered through a "Grampian" style condition, as existing overhanging vegetation on land outside of the appellant's control (i.e. on County highway authority land) would need to be removed. The effects of the condition would also preclude the development from commencing until the pruning works are carried out. Given that the Council does not object to the principle of this it would be unlikely that permission for the works would be denied or delayed prior to the commencement of the development.
31. Conditions that require the proposed estate road, new access to Hamp Bridge, parking and driveways to be completed before occupation of the development are necessary in the interests of highway safety.
32. Conditions requiring a condition report of Hamp Bridge and the canal bridge are necessary in the interests of highway safety. It is important to establish these details prior to work commencing, so that any possible post- construction defects can be identified.
33. In terms of the appearance of the site and surrounding area, a condition requiring landscaping is necessary. The position of landscape features should be agreed before any construction work takes place.
34. Mindful of the living conditions of future residents it is also necessary in the interests of privacy that boundary enclosures between the properties are agreed and implemented before occupation of the dwellings.
35. To protect local biodiversity a condition to secure bat and bird boxes is necessary in the interests of biodiversity and nature conservation. For the same reason an external lighting condition is necessary in order to control the location and level of illumination given the site's proximity to nearby wildlife corridors. The clearance of vegetation will also be controlled by condition to ensure it does not coincide with the bird nesting season. This is necessary in the interests of biodiversity on and adjacent to the site.
36. Finally, I have considered it necessary to include conditions requiring that the development is carried out in accordance with procedures outlined in the Contamination Investigation and Environmental Assessment Report, and that previously unidentified contaminants follow further investigation and remediation procedures.

Conclusion

37. For the reasons given, and having had regard to all matters raised, the appeal should be allowed.

RE Jones INSPECTOR

Schedule of Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers: 5031_19_010 (site location plan); 5031_19_001D (proposed block plan); 5031_19_001E Rev E; 5031_19_002 (proposed house A plans); 5031_19_003 (proposed house A elevations); 5031_19_005 (proposed house B elevations and plans); 5031_19_006 (proposed house C plans); 5031_19_007 (proposed house C elevations); 5031_19_008 (proposed detached garages plan and elevations); 5031_19_009 (proposed elevations street scenes); PLS2018TA07_10 (sheets 1,2 and 3 – topographical survey) and SPA_01/P2 (swept path analysis drawing).
- 3 No development, site clearance or setting out, shall take place until a scheme for vegetation removal has been undertaken together with any carriageway construction and surfacing to the public highway boundary in order to widen the Hamp Bridge access road to the point of the development access, in accordance with a design and specification to be approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 4 No construction work or deliveries to and from the site shall take place until a Condition Survey of the existing public highway (Hamp Bridge) is carried out in accordance with details to be agreed in writing with the Local Planning Authority. Any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Local Planning Authority once all works have been completed on site.
- 5 No development shall commence until details of the proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture are submitted and approved in writing by the Local Planning Authority in writing before their construction begins. The development shall not be occupied until it has been constructed in accordance with the approved details.
- 6 There shall be no obstruction to visibility greater than 600mm above adjoining road level within the splay areas shown on Drawing number 50231_19_001E Rev E. The visibility splays shall be provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.
- 7 No construction work shall commence on the site until details of a drainage scheme for the site showing gullies, connections, soakaways, means of attenuation on site and an appropriate right of discharge have been submitted to and agreed in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details.
- 8 No development shall commence until a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. All

external lighting shall be installed in accordance with the specifications and locations set out in the design and maintained thereafter.

- 9 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, a scheme to encourage the use of public transport, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and contact details for the site manager in the event of any concerns arising during the construction period. The development shall be carried out in accordance with the approved Construction Management Plan.
- 10 No construction work (other than internal fitting out works) or deliveries to and from the site shall take place outside the hours of 07:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays, with the exception of specific works which shall have been agreed in advance and in writing by the local planning authority and shall include details of the task, the date and duration of works. No works to take place on Sunday and Public Holidays.
- 11 No development shall take place until a photographic survey of the condition of the canal bridge has been carried out as well as a method statement and schedule of works for the protection of the bridge during the course of building works. These details shall be submitted to and approved in writing by the Local Planning Authority. The protection identified shall be carried out in accordance with the agreed method statement and retained in place throughout the construction phase.
- 12 No development shall take place until a landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the location size, species and spacing of planting. Any such planting which within a period of 5 years of implementation of the landscaping die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation. The approved scheme shall be fully implemented prior to the first occupation of the dwellings.
- 13 No development shall take place until the submission of details of a suitable barrier to prevent the risk of pollution of the waterway, have been submitted to and approved in writing by the Local Planning Authority. The development shall not commence until the barrier is erected in accordance with the agreed details and it shall be retained thereafter.
- 14 No development shall take place until details of surface water drainage have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.
- 15 Prior to the first occupation of the dwellings hereby approved the proposed roads, including footpaths and turning spaces, shall be served by a

consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

- 16 Prior to the first occupation of the dwellings, the following will be integrated into the dwellings: • A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the northwest elevation of 2 plots. • A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the northwest elevation of 2 plots. • A bee brick built into the wall about 1 metre above ground level on the southeast elevation of each dwelling. Photographs of the installed features shall be submitted to the Local Planning Authority upon first occupation of the dwellings.
- 17 Following the completion of the construction works and prior to the first occupation of the dwellings, a further photographic survey of the canal bridge including details of any repair works required during the construction phase, shall be submitted to and agreed in writing by the Local Planning Authority.
- 18 Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.
- 19 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist.
- 20 The following measures shall be taken in order to mitigate the potential risks from contamination on site including measures to mitigate the potential for ground gas as detailed in the Ruddlesden Geotechnical – Contamination Investigation and Environmental Assessment Report (ref TB/CR/TN/19387/CIEAR) dated October 2019.
 - i) A precautionary capping layer should be installed in soft landscaped/ garden areas across the site. It is considered that a capping layer of 600mm clean topsoil/ subsoil, underlain by a geotextile membrane, would be sufficient to ensure the source-pathway-receptor linkage does not exist.
 - ii) Alternatively, more intensive testing and sampling may provide confidence that remedial measures are not required in some parts of the site. In order to confirm that the above recommendations are followed and the site is suitable for the proposed end use, validation testing is required. Following remediation, this should take the form of trial pits to check sufficient depth of clean soil is present in garden areas.

iii) Precautionary ground gas protection measures to satisfy CS2 conditions in accordance with BS 8485: 2019 should be installed for the proposed dwellings at this site. As the proposed development is assumed to comprise 'Type A' buildings in accordance with BS 8485: 2019, a gas protection score of 3.5 would be required to protect the buildings, which could typically be achieved with the installation of a gas proof membrane and subfloor ventilation.

iv) Alternatively, in-situ ground gas monitoring should be undertaken in borehole installations to confirm the necessary level of ground gas protective measures required. In order to confirm that the above gas remediation recommendations are followed, and the site is suitable for the proposed end use, validation testing is required.

- 21 If during the works contamination is encountered which has not previously been identified, then the contamination shall be fully assessed, and an appropriate remediation scheme submitted to and approved in writing by the local planning authority.
- 22 The parking and turning spaces hereby approved shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

*****End of Schedule*****