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# Appeal Decision

Site visit made on 19 April 2016

**by A Napier BA(Hons) MRTPI AIEMA**

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

**Decision date: 25 May 2016**

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**Appeal Ref: APP/E3525/W/15/3141436**

**Land at and adjacent to A1088 road, Ixworth, Suffolk**

- 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 Miss Sophie Waggett of Persimmon Homes (Anglia) against the decision of St Edmundsbury Borough Council.
  - The application Ref DC/15/0873/FUL, dated 28 April 2015, was refused by notice dated 1 October 2015.
  - The development proposed is the introduction of a right turn ghost island junction on the A1088 to provide vehicular access.
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## Decision

1. The appeal is allowed and planning permission is granted for the introduction of a right turn ghost island junction on the A1088 to provide vehicular access at Land at and adjacent to A1088 road, Ixworth, Suffolk in accordance with the terms of the application, Ref DC/15/0873/FUL, dated 28 April 2015, subject to the conditions in the attached Annex.

## Application for costs

2. An application for costs was made by Persimmon Homes (Anglia) against the Council. This application is the subject of a separate Decision.

## Preliminary Matter

3. The address of the site given on the planning application form is 'Land at Crown Lane, Ixworth, Suffolk IP31 2EH'. The proposal is intended to create a right turn ghost island junction on the A1088 road, to provide access to the site at Crown Lane. The application site, as shown by the red line boundary on the submitted location plan, extends to land on or immediately adjacent to the A1088 road. Therefore, the address used in the heading and formal decision above reflects that used in the Council's decision notice, as it is a more accurate description of the location of the appeal site.

## Main Issue

4. The main issue in this appeal is whether or not the proposal would provide a safe and suitable means of access to the land to the south.

## Reasons

5. The access proposed is intended to serve sites RV12b and RV12c, which are allocated for development in the Council's *Rural Vision 2031* (RV) Policy RV12.
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The Council has also adopted two documents related to this land, the *Ixworth Concept Statement 2008* and the *Crown Lane, Ixworth Masterplan 2010* (the Masterplan), which outline the intended approach to the development of the sites and provide an indicative layout for RV12b, with access shown to be taken from the existing roundabout junction of the A1088 with the A143, to the north-east of the site, by way of a fifth arm to that roundabout.

6. From the information provided, a previous planning application for the alteration to that junction, to provide this fifth arm for access to the allocated site, was refused permission in 2014, on highway safety grounds and following the advice of the highway authority. Furthermore, the consultation comments and advice provided at that time indicated that a right turning ghost island junction on the A1088 road would be considered preferable in highway safety terms.
7. The current appeal proposal reflects that advice and is supported by a Transport Statement (TS) which, amongst other matters, considers the design and capacity of the junction. The TS indicates that the design of the proposal follows the national guidance in the *Design Manual for Roads and Bridges*. The appellant states that this document was used to determine that the proposal represents the most appropriate and safest means of access to serve the allocated sites. Furthermore, the highway authority has confirmed that the proposal would meet the relevant requirements of this document.
8. The proposed access junction would be located to the northern boundary of the allocated land, between the existing roundabout junction to one side and the staggered crossroad junction to the other. From the evidence before me, including the TS and the comments of the highway authority, I am satisfied that the distances involved and relative position of the proposal to these existing junctions would be acceptable and would achieve an appropriate level of visibility for users of the main road and the proposed junction. The provision of visibility splays to either side of the proposed junction may require the removal of existing planting, in order to achieve acceptable levels of visibility from the junction. Having regard to the evidence before me and taking into account that the provision and retention of visibility splays are matters that can be addressed by condition, I am satisfied that this matter does not represent an appropriate reason to find against this scheme.
9. The Council contends that insufficient information was provided to enable the appeal proposal to be fully assessed at the planning application stage, including in relation to traffic flow and the speed of traffic. However, this stretch of road is subject to the national speed limit and the details provided, including the scale drawings, are sufficient to demonstrate that the design of the proposed junction reflects this. Furthermore, in this and other respects, the various consultation responses provided by the highway authority clearly demonstrate that the proposal was comprehensively assessed at the application stage and considered to be acceptable in terms of highway safety, including in relation to accident data. In addition, it has not been suggested, nor do I consider from the details provided, that the proposal would be likely to have an adverse effect on the functioning of the highway network.
10. Although I understand that no planning permission exists for the proposed development of the allocated sites, the details provided indicate that the appeal proposal has been designed with sufficient capacity to provide a degree of

flexibility in the type and extent of development proposed, with the potential to accommodate a range of proposals, including some 75-475 dwellings. Accordingly, I find that additional modelling information would not be necessary to demonstrate that the proposed access would have the potential to accommodate the extent and type of development envisaged by the allocations concerned. Moreover, whilst there is nothing substantive before me to demonstrate that the appeal scheme would not be acceptable in this regard, I am also mindful that an assessment of the access arrangements to serve the development would form part of the detailed proposals for these sites.

11. I note the concerns expressed by the Council's transport consultant in relation to the submitted application details and the RV requirement for a safety audit for development proposals on the allocated site. I also acknowledge that additional information has been provided with the appeal that further supports the appellant's case in these respects. Nonetheless, the various comments of the highway authority on the planning application clearly demonstrate that these additional details were not considered necessary in order to provide a robust assessment of the acceptability of the proposal at this stage of the development process. The basis for this assessment was set out in detailed comments to the Council, prior to the determination of the application.
12. The highway authority is a statutory consultee in relation to the proposal and, as such, its expert advice in relation to highway matters can reasonably be given considerable weight. In contrast, whilst recognising that a number of concerns have been expressed in relation to local traffic conditions, highway safety and previous accidents, including a fatality, there is only limited evidence before me to support these concerns, even taking into account the comments of the Council's transport consultant. Accordingly, whilst I have had careful regard to these matters, I am not persuaded that they represent compelling reasons to find against the appeal proposal in this case.
13. Consequently, for the reasons given above, I conclude that the proposal would provide a safe and suitable means of access to the land to the south of the proposed junction. Whilst the proposal would not follow the indicative approach to site access indicated in the Masterplan for the development site, it would be in accordance with the *St Edmundsbury Core Strategy 2010* Policy CS3, which seeks to provide a high quality, safe and sustainable environment, including in relation to access and transport considerations. It would also meet the aims of paragraph 32 of the National Planning Policy Framework (the Framework), to achieve safe and suitable access to the site, and only prevent or refuse development on transport grounds where the residual cumulative impacts of development are severe.

*Other matters*

14. It has been suggested that an alternative means of access would be preferable to the current proposal. I also understand that further proposals for access to the allocated land are under consideration. However, I do not have full details of these other schemes and, in any event, these matters are not formally before me as part of this appeal, which I have considered on its merits and in light of all representations made. For the above reasons, I have found the appeal proposal to be acceptable and whether or not an alternative scheme may also be considered to be acceptable is not a matter that leads me to alter my conclusions in this regard.

### **Conditions and conclusion**

15. I have considered the Council's and the appellant's suggested conditions in the light of the Planning Practice Guidance and the Framework. For clarity and to ensure compliance with the Guidance, I have amended some of the suggested wordings. Otherwise than as set out in this decision and conditions, for clarity, it is necessary that the development be carried out in accordance with the approved plans.
16. In the interests of highway safety, it is necessary to control the details of the access, including in respect of any gates, levels, gradient, surfacing and surface water drainage. Due to the nature of these details, it is essential to require their approval before any development starts on site. It is also appropriate to require the access to be laid out and constructed in accordance with these approved details before it is first used. For similar reasons, it is also necessary to control HGV movements to the site during the construction period and, before the first use of the access, to control the provision and retention of the visibility splays as specified on the approved plans and to prevent their future obstruction.
17. Having regard to the nature of the proposal, it is not necessary to prevent the development of other land from taking place before the current proposal has been constructed, as the current scheme does not include such development and this matter would potentially be able to be controlled as part of any future proposals for those sites. In addition, the Council has suggested that a condition should also be applied to require a 40mph buffer zone and lighting scheme. However, having regard to the evidence before me, including the comments of the highway authority, I am not satisfied that it has been adequately demonstrated that these matters would be necessary to make the scheme acceptable in planning terms. As such, I do not intend to apply either of these conditions.
18. For the above reasons and having regard to all other matters raised, including the comments of the Parish Council and local councillors, I conclude that the appeal should be allowed.

*A Napier*

INSPECTOR

## **Annex**

### **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: IX-SL02 and 028/2012/01C.
  - 3) No development shall take place until details of the proposed access have been submitted to and approved in writing by the local planning authority. These details shall include the position of any gates to be erected, levels, gradient, surfacing and surface water drainage arrangements. No use of the access hereby permitted shall take place until the access has been laid out and constructed in its entirety in accordance with the approved details and it shall be retained as such thereafter.
  - 4) No HGV traffic movements shall take place to and from the site for the duration of the construction period unless in accordance with a Deliveries Management Plan, which shall have first been submitted and approved in writing by the local planning authority. The Plan as approved shall specify the routes for HGV movements and provide details of a complaints procedure for the duration of works at the site.
  - 5) No use of the access hereby permitted shall take place until visibility splays have been provided in accordance with drawing Ref 028/2012/01C and thereafter they shall be so retained. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metre in height shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
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