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# Appeal Decision

Hearing held on 24 January 2012

Site visit made on 25 January 2012

**by I Jenkins BSc CEng MICE MCIWEM**

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

**Decision date: 15 May 2012**

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**Appeal Ref: APP/Q0505/A/11/2163031**

**Bell School development site, Babraham Road, Cambridge**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
  - The appeal is made by The Bell Educational Trust Ltd against the decision of Cambridge City Council.
  - The application Ref 11/0918/REM, dated 1 August 2011, sought approval of access details pursuant to condition no. 3 of a planning permission Ref. 06/0795/OUT, granted on 14 December 2010.
  - The application was refused by notice dated 11 October 2011.
  - The development proposed is residential development not exceeding 347 dwellings (comprising houses and apartments, including affordable and key worker housing), 100 bed student living accommodation for the Bell Language School and public open space, with vehicular access from Babraham Road and associated roads, footpath/cycleways and drainage infrastructure.
  - The details for which approval is sought are: proposed road junction of site access road with Babraham Road and initial section of access road (note other details of access to be submitted as part of the reserved matters applications relating to the layout of the development site which will be submitted by the selected developer).
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## Decision

1. The appeal is dismissed and approval of the reserved matter is refused, namely: access details submitted in pursuance of condition no. 3 attached to planning permission Ref. 06/0795/OUT, dated 14 December 2010.

## Procedural matters

2. Whilst the site address is given on the planning application form as '*land off Babraham Road, Cambridge*', I consider that the address given on the appeal form more accurately describes it as '*Bell School development site, Babraham Road, Cambridge*' and so I have used this in the summary information above.
3. The Council and appellant have confirmed that the point at which vehicles would access the site from Babraham Road was approved as part of the outline scheme for which planning permission has been granted, Ref. 06/0795/OUT. Therefore, that matter is not open to re-assessment. It is the design of the junction of the site access road with Babraham Road and the initial section of the access road, submitted in pursuance of reserved matters condition no. 3, which is the subject of the appeal application. A separate application has been submitted to the Council in relation to condition no. 28, which requires a detailed engineering scheme/plan for the access. This is not the subject of the

appeal, although some of the associated details have been provided as part of the appeal submissions for illustrative purposes.

### **Application for costs**

4. At the Hearing an application for costs was made by the Bell Educational Trust Ltd against Cambridge City Council. This application is the subject of a separate Decision.

### **Main Issue**

5. I consider that the main issue in this case is the effect of the proposal on the safety and convenience of highway users.

### **Reasons**

6. An accessway leads from the western side of Babraham Road, between no. 4a to the north and nos. 6 and 6a to the south, to a large grassed area, which comprises the main section of the approved site. This site is allocated for residential development in the Cambridge City Council Local Plan 2006 (LP) (LP Policy 9/5-Southern fringe) and is located close to the Addenbrooke's Hospital site. In the vicinity of the appeal site, the speed limit along Babraham Road is 30 mph.

#### *Junction/access road design*

7. The proposed access road would have a width of 5.5 metres widening to approximately 7.0 metres towards the proposed simple priority T-junction with Babraham Road. There would be a 2.5 metre wide combined footway/cycleway along the north side of the access road. No footway provision would be made on its southern side, instead the verge between the southern edge of the carriageway and the boundary enclosure of No. 6B would taper down as the carriageway width increases.
8. The planning officer's report to committee recommended approval of the appeal scheme, which was also supported by the Highway Authority and Cambridgeshire County Council's Road Safety Engineering Team Leader. Nevertheless, the Council refused to approve the application and I share a number of the concerns raised by parties to the appeal.
9. I deal first with issues related to the width of the proposed access road. The western sightline available to people wishing to cross the proposed access road from south to north at the junction with Babraham Road would be restricted due to the close proximity of No. 6B's northern boundary enclosure to the southern edge of the proposed carriageway. As a result, it is likely that people would start to cross without having a good view along the site access road. This could bring them into conflict with emerging vehicles. Alternatively, if they pause on the carriageway to allow an emerging vehicle to pass, they may come into conflict with other vehicles entering the site from Babraham Road. Furthermore, the increased width of the access road over and above 5.5 metres, which is considered appropriate by the Council's highway consultant with reference to Manual for Streets (MfS1), would encourage higher speeds in the immediate vicinity of the junction. This would increase the risk to people crossing the access road at the junction. I consider that these features of the scheme pose a significant risk to the safety and convenience of highway users.

10. I give little weight to the appellant's suggestion that it may be possible to improve the western sightline by moving the crossing point to the east onto the curved section of the kerbing. This practice is discouraged by MfS1, as it would increase the crossing distance and would make it difficult for blind or partially sighted people to orientate themselves before crossing. The appellant has also indicated that the carriageway width could be reduced, if required by the Highway Authority. This may in turn, as suggested by an interested party, allow the width of the southern verge to be increased close to the junction providing an improved western sightline for people crossing from the south. However, this alternative did not form part of the application considered by the Council. In my judgement, such a modification to the geometry of the junction would amount to a substantial change, which those with an interest in the scheme, including a large number of local objectors who were not present at the Hearing, may wish to have the opportunity to formally comment upon. Circular 11/95 indicates that changes of this nature can not reasonably be secured by condition. Therefore, I give this suggestion little weight.
11. I turn now to the concerns raised with respect to scenarios involving drivers turning right into or out of the site potentially coming into conflict with through traffic on Babraham Road. At the Hearing the Council's highway consultant indicated that 'keep clear' road markings would need to be provided on the north bound carriageway of Babraham Road at the proposed junction. It explained that this would ensure that northbound queuing traffic would not block the path of vehicles turning right into the site, gaps would arise in the north bound queues facilitating turning movements out of the site and it would improve visibility. I understand that whilst the appellant would be willing to provide this facility, it has not been identified as necessary by the Highway Authority or Cambridgeshire County Council's Road Safety Engineering Team.
12. Although, in the absence of 'keep clear' road markings, queuing northbound traffic on Babraham Road may leave small gaps for vehicles to turn right into the site on a courtesy basis, it is possible that northbound cyclists may not see the turning vehicle, resulting in a collision as their paths cross. However, I consider that through the provision of 'keep clear' road markings on the northbound lane of Babraham Road it would be possible to ensure that gaps are sufficiently wide to allow adequate visibility between those road users, thereby satisfactorily reducing the potential for collisions. The provision of appropriate road markings would be a positive and relatively minor change to the proposed junction design, which, in my view, could be secured through the imposition of a suitable condition.
13. There may be occasions when a vehicle waiting to turn right into the site from Babraham Road may give way to a vehicle turning right out of the site. Intervisibility between that emerging driver and southbound through traffic, such as cyclists, may be limited by the waiting traffic. However, under those circumstances the emerging vehicle would be joining, rather than crossing the flow of traffic, and so, to my mind, the risk of collision is reduced.
14. In relation to the identified scenarios of vehicles that are turning right into or out of the site coming into conflict with through traffic on Babraham Road, I consider that, subject to condition, the risks would be likely to be low and would not be sufficient to justify withholding approval of the appeal application.
15. The swept path analysis indicates that when turning into and out of the proposed side road a large refuse vehicle would overrun adjacent running

- lanes. However, I agree with the appellant that this behaviour is common place and is accepted by MfS2<sup>1</sup> and, as the frequency of large vehicles accessing the primarily residential site is likely to be low, this would be acceptable.
16. In terms of providing non-vehicular access to and from the main section of the appeal site, I am satisfied that the other routes secured as part of the outline planning permission would adequately mitigate the absence of a footway along the southern side of the proposed access road. In addition to the footway/cycleway along the northern side of the road, these include the upgrading of an existing pedestrian route between the eastern corner of the main section of the approved site and a point on Babraham Road to the south of the proposed access road junction.
17. The width of the footway/cycleway along the northern side of the proposed access road would fall short of the standard set out in *Local Transport Note 2/08*<sup>2</sup>. However, the guidance indicates that whilst this standard is generally regarded as a minimum, in areas with few cyclists or pedestrians a narrower route may suffice. The Council has indicated that there would be a number of alternative pedestrian/cycle links across the site, which are likely to be of greater importance for pedestrian/cycle movement connectivity. I have not been provided with any compelling evidence to show that in this case the volume of pedestrian/cycle traffic would render the limited width of the proposed footway/cycleway unacceptable. Neither the Council's Cycling and Walking Officer nor Sustrans raised any objections to this detail and, under the circumstances, I agree with the Highway Authority that the proposed width would be acceptable.
18. I have had regard to drawing no. 14951/100/102A, which has been provided for illustrative purposes. It shows suggested levels along the proposed highway, including a carriageway gradient approaching the junction which does not accord with the standard set out in TD41/95 of the DMRB<sup>3</sup>. Nonetheless, I agree with the view expressed by the Highway Authority at the Hearing that acceptable gradients could be achieved, notwithstanding that this may involve relatively steep gradients being associated with the footway and verge at the front of Nos. 6 and 6B. An appropriate scheme of levels could be secured by condition.
19. The vertical alignment of Babraham Road to the northwest of the proposed junction would reduce visibility from the proposed junction to a degree, but not, in my view, to an unacceptable extent. A view echoed in the Design and Access Statement.
20. Babraham Road is frequently used by ambulances and the proposal would maintain the existing environment insofar as vehicles would be able to pull to one side to allow ambulances to pass. I agree with the view expressed by the Council at the Hearing that potential problems related to construction traffic associated with the development of the appeal site could be adequately controlled through the Construction Method Statement condition attached to the outline planning permission.

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<sup>1</sup> Manual for Streets 2: Wider Application of the Principles.

<sup>2</sup> Local Transport Note 2/08-Cycle Infrastructure Design, October 2008.

<sup>3</sup> Design Manual for Roads and Bridges.

21. Nonetheless, I consider on balance that, with particular reference to the risks likely to be associated with crossing the access road, the proposed junction/access road design would cause unacceptable harm to the safety and convenience of highway users.

*Junction capacity*

22. The appellant has used the Transport Road Laboratory's (TRL) PICADY 4 program to model the performance of the proposed junction. A number of interested parties have suggested that the traffic flow figures used to model the operation of the proposed junction are not reliable. However, the Council has confirmed that the traffic flows used align with those used in the appellant's August 2006 Transport Assessment (TA), which was approved as part of the application for which outline planning permission Ref. 06/0795/OUT was granted in 2008. At the Hearing, the Council indicated that the TA flows included an allowance for planned increases, including the expansion of facilities associated with the nearby Addenbrooke's Hospital. Furthermore, since 2008 the Addenbrooke's access road and the Cambridge Guided Bus System have opened, both of which are expected to have the effect of reducing flows along Babraham Road. In addition, the financial crisis is likely to have depressed flows. The modelled flows agreed with the Highway Authority, in keeping with GTA<sup>4</sup>, are regarded as appropriate by the Council for the purposes of modelling the proposed junction. I have no compelling reason to take a different view.
23. The outputs of a PICADY model include the ratio of flow to capacity (RFC) for the streams of the modelled junction. A RFC of 0.85 is commonly considered to be representative of the robust practical capacity of a junction. The modelling results in this case indicate that the maximum RFC in the AM Peak would be 0.57 for vehicles exiting the site onto Babraham Road and 0.72 for vehicles turning right into the site from Babraham Road in the PM Peak. This would suggest that the junction would operate within capacity. Furthermore, the maximum queue length is identified as 7 vehicles on Babraham Road in the PM peak.
24. However, it is not uncommon for north bound traffic to queue along Babraham Road in the vicinity of the appeal site. This is likely to be due, at least in part, to the operation of the signal controlled junction to the northwest, at the intersection of Babraham Road, Hills Road and Worts Causeway, resulting in blocking back of vehicles. There is no dispute between the main parties that PICADY makes no allowance for the effects of blocking back. TRL advise that the PICADY program is intended for isolated junctions only and is not suitable for cases where interaction occurs between two junctions.
25. I consider that, under the circumstances, the PICADY results must be treated with a degree of caution. Nonetheless, the approach taken by the appellant's highway consultant has not been to rely solely on the PICADY output, rather the modelling results were used along with knowledge of local conditions and highway engineering expertise to form a view regarding the likely performance of the proposed junction. This is an approach that has been accepted by the Highway Authority and in my experience is not unique.

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<sup>4</sup> Departments for Communities and Local Government / Transport – Guidance on Transport Assessment.

26. The appellant takes the view that as vehicle speeds reduce on Babraham Road during times of congestion, through traffic is more likely to give way to those waiting to turn into or out of the site. Against this background, and in light of the PICADY results, the appellant's highway consultant and the Highway Authority consider that the proposed junction would be likely to operate within capacity. Furthermore, at the Hearing, the Council's highway consultant indicated that it would also be content that the proposed junction would operate within capacity provided 'keep clear' road markings were provided on the north bound carriageway of Babraham Road at the proposed junction.
27. Whilst blocking back has the potential to limit the availability of acceptable gaps and increase accidents due to competition between vehicles exiting or entering the site and through traffic along Babraham Road, I consider that this is unlikely to be the case in practice. The provision of 'keep clear' road markings at the proposed junction would encourage the provision of gaps. Furthermore, I observed traffic flows during the AM peak hour on 25 January 2012. I saw blocking back of northbound Babraham Road traffic which extended from the signal controlled junction to the north of the appeal site entrance to a point beyond the junction with Granham's Road, which adjoins the western side of Babraham Road some distance to the south of the site entrance. Queuing traffic gave way on a courtesy basis to allow vehicles to turn into and out of Granham's Road in a relatively speedy manner. This would also be likely to occur at the proposed junction.
28. The relatively close proximity of the signal control junction to the northwest would be likely to result in platooning of southbound traffic past the site from time to time. When passing the site those platoons would limit the ability of emerging vehicles to turn right onto Babraham Road. However, this restriction would be offset by the increased capacity for such manoeuvres during the periods when the traffic is held back by the signals. I have no compelling reason to dispute the view of the appellant's highway consultant that over the course of a peak hour any platooning affect due to the signals is unlikely to have an appreciable effect on the capacity of the proposed junction. I consider that the same is likely to be true with respect to the impact of the Toucan crossing, the future provision of which, some distance to the south of the appeal site access, was secured by a section 106 agreement in association with the grant of outline planning permission.
29. In my judgement, subject to condition, the proposed junction would be likely to operate within capacity.

*Access to Nos. 6 and 6B*

30. The southern edge of the proposed access road would be positioned a short distance to the north of the vehicular entrance to No. 6B, immediately to the south of which is the entrance to No. 6. A Road Safety Audit, concerning a previously considered signal controlled option for the appeal site/Babraham Road junction, raised concerns about vehicles from these properties entering uncontrolled into the middle of a controlled junction. However, similar concerns have not been raised by the County Council's Road Safety Engineering Team in relation to the appeal proposal. Emerging drivers would have to filter into an uncontrolled traffic flow as they do now.
31. The appeal scheme would increase the likelihood that vehicles would be waiting to turn right into the appeal site or emerge from it at the same time as

movements associated with Nos. 6 and 6B are taking place. Nonetheless, the numbers of movements associated with those existing dwellings are likely to be relatively low, drivers emerging from those properties are likely to be aware of the potential hazards and intervisibility between drivers would be good. In my judgement, the risk of vehicles who are either emerging from or entering Nos. 6 and 6B coming into conflict with other vehicles would be low. Furthermore, the Highway Authority considers that this arrangement would be acceptable. In addition, research reported in MfS1 found that very few accidents occur involving vehicles turning into or out of driveways, even on heavily trafficked roads. These matters add further weight to my finding.

32. I understand that, unlike No. 6, No. 6B does not have space for a vehicle to turn around. Consequently, having entered the driveway of No. 6B in a forward gear, drivers tend to reverse out onto the verge in order to turn around and join Babraham Road in a forward gear. I have had regard to the concerns raised that this manoeuvre may bring vehicles into conflict with people who are waiting on the southern corner of the proposed access road for an opportunity to cross to the north. However, in my judgement, those waiting there to cross would be likely to be clearly visible to the emerging driver who could reasonably be expected to wait for the area to clear, if the reversing manoeuvre, which would be likely to be in a southerly direction away from the junction, could not be completed safely. Whilst intervisibility between a vehicle reversing from No. 6B and people approaching from the north or south would be more limited, that is no different to the current situation. Furthermore, the provision of 'keep clear' road markings on the north bound carriageway of Babraham Road would also reduce the likelihood of vehicles that are turning right into the driveways of Nos. 6 and 6B having to cross the section of the footway where people may be waiting to cross the proposed access road from south to north.
33. The appeal scheme makes provision within the highway verge for alternative vehicular access points to Nos. 6 and 6B, which would be positioned further from the southern corner of the proposed junction than their existing highway entrances. However, under the following circumstances, I give this element of the scheme little weight. No formal agreement has been reached between the appellant and the owners of those properties to ensure that the new access points would be used and the existing entrances closed up. Furthermore, I agree with the Highway Authority that those works are not necessary in order to make the scheme acceptable in planning terms and so it would be unreasonable to make approval conditional on the replacement of the existing entrances.
34. Nonetheless, I conclude overall, due to junction/access road design, that the proposal would cause unacceptable harm to the safety and convenience of highway users and in this respect it would conflict with LP Policies 8/2 and 8/11. National Planning Policies have been considered, but in light of the facts in this case those Policies do not alter my conclusions.

#### *Other matters*

35. Walking and cycling routes have been secured through the outline planning permission and an associated section 106 agreement, in accordance with the aims of LP Policies 8/4 and 8/5. These include a number of off-site improvements. I have not been provided with any compelling evidence to show that other additional off-site works, such as widening of the

pedestrian/cycle route along the opposite side of Babraham Road, are necessary to make the scheme, of which the appeal proposal would form part, acceptable in planning terms. Neither these, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusions on the main issue.

### *Conclusions*

36. For the reasons given above, I conclude that the appeal should be dismissed.
37. Had the planning balance been different, such that I was minded to allow the appeal, the relationship between condition nos. 3 and 28 would have been of concern. In my judgement, condition no. 3 must be read in the light of the planning permission as a whole. Condition no. 28 requires that *'prior to or concurrently with the first of the reserved matters applications for the site, a detailed engineering scheme/plan for the access onto Babraham Road, the vehicular access hereby permitted for this scheme, shall be submitted to and approved in writing by the local planning authority'*. The condition no. 28 details have not been approved and the application for approval of those details is not a matter before me. To my mind, under these circumstances, approval of the appeal scheme would conflict with the terms of the planning permission and this would have been a serious impediment to the allowing the appeal.

*I Jenkins*

INSPECTOR



## **APPEARANCES**

### FOR THE APPELLANT:

Mr G Bolton	SSR Planning.
Mr R Henry	Peter Brett Associates.
Mr J Turner	Turner-Morum.

### FOR THE LOCAL PLANNING AUTHORITY:

Mrs H Durrant	Cambridge City Council.
Mr P Cosford	Hannah Reed and Associates.
Mr J Martin	Hannah Reed and Associates.

### INTERESTED PERSONS:

Professor J Carroll	Worts Causeway petitioners.
Mr R Huntsman	Worts Causeway petitioners.
Dr N Silverston	Babraham Road Resident's Group (BRAG)- Chairperson.
Mr J Woodburn	Cambridge Cycling Campaign.
Councillor J Swanson	Local ward councillor.
Mr D Rutherford	Rutherfords Highway Planning Consultants- Instructed by BRAG.
Mrs D Sharples	Hewitsons Solicitors- Instructed by BRAG.
Mr I Dyer	Cambridgeshire County Council.
Mrs F Cullen	Local resident.

## **DOCUMENTS**

- 1 Letters notifying interested parties of the appeal and the Hearing arrangements.
- 2 Responses to the appeal notifications.
- 3 Appendices 5, 6 & 7 of the Statement of Case on behalf of the appellant, December 2011.
- 4 Joint Development Control Committee (Cambridge Fringes) 11 June 2008 Pre-committee amendment sheet.
- 5 Technical Note Figure 11.
- 6 Extract Cambridge Local Plan 2006-Policies 3/7 and 3/8.
- 7 Technical Note-16 January 2012-Rebuttal summary statement in response to Cambridge City Council's appeal statement.
- 8 Hannah Reed comments on PBA's rebuttal statement.
- 9 Local Transport Note 2/08, October 2008-Cycle Infrastructure Design.
- 10 Cambridge City Council Babraham Road Park & Ride-proposed extension-have your say September 2011.
- 11 Wandlebury Country Park leaflet.
- 12 Deed pursuant to Section 106 of the Town and Country Planning Act 1990, dated 14 December 2010.
- 13 Planning permission Ref. 06/0796/OUT-description of development.
- 14 Suggested conditions.
- 15 Cost application on behalf of the appellant together with the Council's response.