

**DCSE2007/0995/F - PROPOSED 4 NO. FOUR
BEDROOM DETACHED DWELLINGS, LONG
ORCHARD, THE LEA, ROSS-ON-WYE, HR9 7JY****For: Mr S Townsend per Mr C Goldsworthy, 85
St Owens Street, Hereford, HR1 2JW****Date Received: 2nd April 2007****Ward: Penyard****Grid Ref: 65555, 21715****Expiry Date: 28th May 2007**

Local Member: Councillor H. Bramer

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on the 29th May 2007 when Members resolved to refuse permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 29th May 2007 the Southern Area Planning Sub-Committee was recommended to approve this application for the following reasons:

1. The site is within the settlement boundary and, in principle, complies with Unitary Development Plan policies for residential development.
2. There has been a series of refusals of permission on highway grounds, most recently in 2006. These refusals have been at the direction of the Highways Agency (the site takes access directly on the A40 trunk road). The most recent refusal was solely on highways grounds. Following that refusal the applicant has negotiated revised arrangements with the Highways Agency who are now satisfied that the scheme now does not present a danger to highway safety. There are no other grounds for refusal.
3. The officer's report confirmed that the new scheme provides visibility splays of 4.5 by 90 metres which meets the published standard for this type of access to a road such as this which is subject to a 30 mph speed limit.

In the debate the members of the Area Sub-Committee gave weight to the objections from Lea Parish Council and local residents who are still concerned about highway safety, notwithstanding the support of the Highways Agency for the scheme. The proximity of the primary school was also noted.

It was resolved to refuse permission on the grounds of highway safety.

Notwithstanding the views of the Southern Area Planning Sub-Committee a highway safety objection could not be defended on appeal given the support of the Highways Agency for the access arrangements. Furthermore, the scheme as now proposed meets published standards for visibility splays in full.

In conclusion, the proposal complies with the development plan and the objections raised by Members would not be tenable as reasons for refusal in the event of an appeal. Consequently, the application is referred to this Committee for further consideration.

The original report to the Southern Area Planning Sub-Committee follows:

1. Site Description and Proposal

- 1.1 Long Orchard is on the southwest side of the A40 trunk road, within the 30mph speed restriction. The application site is the former long narrow garden to Long Orchard. A tree-lined hedge defines the roadside boundary. The Brambles is opposite. The site is located in the main village of Lea as shown in Inset Map 22 in The Herefordshire Unitary Development Plan 2007.
- 1.2 This application proposes the erection of 4 houses, and construction of an access with 4.5 metre x 90 metres visibility splays in both directions onto the A40. A 2metre section of footpath is proposed either side of the access, and part of the A40 is to be resurfaced with an anti skid surface.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS13	-	Transport

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR3	-	Movement
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings

3. Planning History

3.1	SH941101PO	2 dwellings	-	Refused 05.10.94
	SH950240PO	3 dwellings	-	Refused 03.05.95
	DCSE2005/2669/F	4 dwellings	-	Refused 06.10.05
	DCSE2006/0076/F	4 dwellings	-	Refused 10.02.06

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency - Directs that any permission be subject to condition.

Internal Council Advice

- 4.2 Public Rights of Way Officer - "The development would not appear to affect public footpath LE8 which runs outside the development site, and we have no comments to make."

5. Representations

- 5.1 The applicant has submitted a Design and Access Statement, and a Road Safety Audit.

- 5.2 The Design and Access Statement comments:

- The existing site is a small paddock and part existing garden at Long Orchard;
- The new dwellings are 4-bedroom detached set within their own grounds, with their own parking;
- The size and height of the new dwellings reflect old and new properties in the surrounding vicinity;
- The development is of traditional vernacular design;
- Each property is set within its own private garden with lawns to the front and rear;
- A new hedge will be planted at the back of the visibility splays preserving the character of the road frontage.

- 5.3 The Road Safety Audit comments:

- The Terms of reference of the audit examined and reported only on the road safety implications of the scheme;
- The approach to the proposed access from the north is on a slight down hill gradient. In severe wet weather conditions, this could result in rear end shunt conditions;
- The risk of accidents could be reduced with the introduction of high friction surfacing;
- There are no facilities for pedestrians within the site access. This could result in an increase in vehicle/pedestrian conflict as pedestrians may have to stand in an unsafe location to cross the busy trunk road;
- A kerbed footway at the entrance to the access to allow pedestrians a safe area to wait and cross the road;
- The proposed access is to be situated in a 30 mph zone with a number of closely situated accesses nearby. There is currently no street lighting on this section of the A40. The introduction of this new access and the limited night time visibility, could result in an increased number of night time accidents. The provision of street lighting will improve night time visibility.

- 5.4 Lea Parish Council - Does not support this application. This application does not seem any more appropriate than the previous one. The road safety audit acknowledges that there would be problems with access onto the A40 as follows; 2.2 acknowledges the possibility of "shunt accidents" and recommends that the road be resurfaced with high friction surfacing; 2.4 suggests that the busy trunk road would be unsafe for pedestrians and recommends a kerbed footway and pedestrian refuge; and 2.6 says there is insufficient lighting and that it would be necessary to provide street lights. Also, there is strong reservations over this application particularly in relation to the road access directly onto the A40 on what is an ever increasingly busy junction with the Mitcheldean Road and the extra traffic out of The Brambles with the new houses there, plus the size of the house is inappropriate and not what is required in the village of Lea.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford, and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The previous application for housing on this site was refused solely on the direction of the Secretary of State for Transport under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 in that:

"The proposed development and new access onto the A40 trunk road (T) is likely to be of detriment to highway safety and free flow of traffic on the A40 (T).

To ensure that the A40 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of highway safety."

- 6.2 Subsequent to these decisions the applicant has negotiated this proposal with the Highways Agency. While the number of dwellings remains as previous, this application proposes the construction of a new entrance onto the A40 that will be provided with a 4.5 metres x 90 metres visibility splay in both directions. The submitted plan also shows resurfacing the A40 with a high friction surface, and a 2-metre section of footpath either side of the proposed entrance as recommended by the Road Safety Audit. The Highways Agency has confirmed these works are acceptable in terms of highway safety and accordingly raise no objection and directs that any planning permission be subject to condition.
- 6.3 Given this application resolves the sole reason for refusal of the previous applications, it is not considered there is a substantive reason to refuse this application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. B01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings.

- 3. H03 (Visibility splays)**

Reason: In the interests of highway safety.

- 4. H11 (Parking - estate development (more than one house))**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 5. No development within the application site shall be undertaken until the proposed site access shown on drawing number 21829 _ 1A May 2007, including any subsequent revisions resulting from the implementation of the Road safety Audit, has been completed to the satisfaction of the local planning authority after consultation with the Highways Agency.

Reason: As directed by the Highways Agency and in the interests of highway safety.

Informative(s):

- 1. The highway proposals associated with this permission involve works within the public highway, which is land over which you have no control. The Highways Agency therefore requires you to enter into suitable legal agreement to cover the design and construction of the works. The applicant should contact Mr Jon McCarthy of the Highways Agency's Area 9 S278 team, at an early stage to discuss details of the highways agreement, his contact details are as follows, telephone number 0121 678 8742 or C4/5 Broadway, Broad Street, Birmingham, B15 1BL
- 2. N19 - Avoidance of doubt
- 3. N15 - Reason(s) for the Grant of Planning Permission

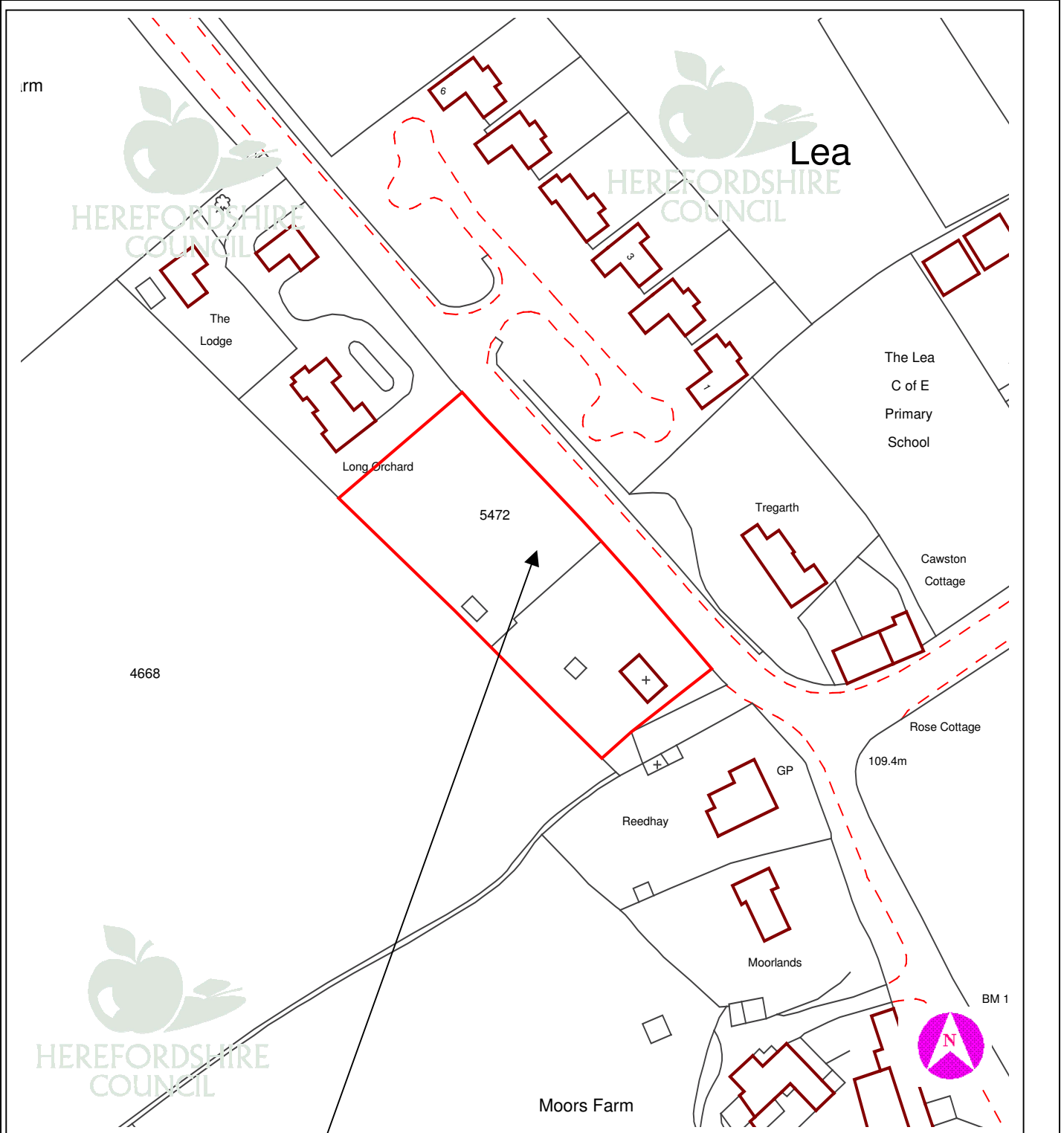
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/0995/F

SCALE : 1 : 1250

SITE ADDRESS : Long Orchard, The Lea, Ross-on-Wye, Herefordshire, HR9 7JY

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