

14 DCSE2006/4006/F - THREE ARM ROUNDABOUT ON THE ALIGNMENT OF THE EXISTING A40(T). LOCATION ON A40(T) HIGHWAY, BETWEEN THE JUNCTION OF A40(T)/A449 AND RUDHALL BROOK, ROSS-ON-WYE, HEREFORDSHIRE.

For: Persimmon Homes (South Midlands) Ltd, WSP Developments & Transportation, One Queens Drive, Birmingham, B5 4PJ

Date Received: 21st December, 2006 Ward: Ross-on-Wye East Grid Ref: 60851, 24833

Expiry Date: 15th February, 2007

Local Member: Councillor AE Gray and Councillor PGH Cutter

1. Site Description and Proposal

- 1.1 The Unitary Development Plan (UDP) identifies land off Tanyard Lane as a potential site for development of about 150 houses. This large area of land of about 8 ha. is bounded by the A40(T) road to the east; modern housing (Collier and Brain housing development) off Blenheim Close, Chatsworth Close and Arundel Close plus further housing off Tanyard Lane to the north; Rudhall Brook and a caravan site to the south, and housing in Rudhall Meadow along the south-western boundary. The site is in 3 sections: open, grassed areas either side of a central section with a number of businesses including dog boarding kennels. The only access to the site is from Tanyard Lane.
- 1.2 A development brief for the site has been prepared with developers and agents and has been subject to widespread local consultation. The Council adopted the brief in 2005 as a basis to guide preparation of a detailed application for the site. In the UDP the proposed phasing of development required the first 50 houses to be built by 2006.
- 1.3 There are currently two applications which have been submitted by a developer (Persimmon Homes) for the development. An outline application (SE2005/3208/O) for the whole of the site and this application (SE2006/4006/F) for a new roundabout off the A40(T). The latter is a re-submission following dismissal of an earlier application (SE2006/0171/F) on appeal. Members were concerned that the roundabout could be constructed before the residential development was ready to proceed deferred making a decision until this application could be considered with the outline application. The appeal against non-determination was dismissed on 28 February 2007 and the inspector's decision letter is included in Appendix A to this report. The outline application was subsequently considered by the Committee in March 2007 and it was agreed to delegate the decision to officers subject inter alia to a Section 106 agreement being entered into. The current application for the roundabout was not considered at the same Committee. The Inspector had concluded that a study of the noise implications for existing nearby residents of the roundabout should be carried out prior to permission being granted. He seemed to accept that this would not be so critical if the housing scheme was implemented as this would act as a noise buffer for most of the affected houses. The noise study had not been undertaken at the time the outline application was considered by has now been completed. Consequently as

completing the planning agreement has been held up because of ownership problems the applicant's agent has requested that the application for the roundabout be submitted to Committee.

- 1.4 The roundabout would be constructed about halfway between the roundabouts at Overross and Hildersley and about 100m to the north of Rudhall Brook. A new access would be formed off the roundabout to the south-west which would serve the proposed residential development and a farm access with field gate to the east. The submitted drawing shows the route of the new access road into the housing estate and a possible access to the adjoining caravan park. These are not within the current application site however. The roundabout would require the re-alignment of sections of the A40(T) carriageway and new hedgerows would be planted. This section of the A40(T) rises to the north and is generally at a higher level (by up to 2m) than the adjoining land.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy DR7	-	Flood Risk
Policy DR9	-	Air Quality
Policy DR10	-	Contaminated Land
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H2	-	Hereford and the Market Towns: Housing Land Allocations
Policy H3	-	Managing the Release of Housing Land
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open space requirements
Policy ED5	-	Safeguarding Employment Land and Buildings
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy T11	-	Parking Provision
Policy RST3	-	Standards for Outdoor Playing and Public Open Space
Policy NC1	-	Biodiversity and Development
Policy NC8	-	Habitat Creation, Restoration and Enhancement

3. Planning History

- 3.1 DCSE2005/3207/F Residential and associated development, including 60 dwellings, linear park and site access at land off Tanyard Lane, Ross-on-Wye - Withdrawn 05.01.06
- DCSE2005/3208/O Site for residential and associated development, including linear park and site access at land off Tanyard Lane, Ross-on-Wye - Not determined

DCSE2006/0171/F Three arm roundabout on the alignment of the - Appeal
existing A40 (T) dismissed
28.2.07

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency does not propose to give a direction restricting the grant of planning permission but requests that an informative be appended to any planning permission (see Informative No. 1 in Recommendation).

Internal Council Advice

- 4.2 Traffic Manager notes that the Highways Agency has concerns over the proposed layout of the A40(T) roundabout.
- 4.3 Environmental Health Manager has no objections to the proposed development.

5. Representations

- 5.1 The applicant's agent has made the following submission:

- (1) This application is made in connection to the residential development allocation for Land at Tanyard Lane, as set out under Policy H2 of the emerging Herefordshire Unitary Development Plan.
- (2) In consideration of the allocation of the site within the UDP and the adoption of the Tanyard Lane Development Brief, the approval of the proposal will not be prejudicial to the determination of the Outline Planning Application, and it has been submitted in order to expedite the processes involved in obtaining "technical approvals" for the development of associated infrastructure on the site. The early approval of the proposal will allow early construction on site and provide access for construction vehicles during the house-building programme, thereby mitigating local vehicular disruption significantly.
- (3) In addition an Access Design Statement and Memorandum regarding an assessment of traffic noise have also been submitted. The latter is included as Appendix B to this Report. The former points out that the design of the roundabout meets current and appropriate design standards and requirements and has also been examined and satisfactorily reported on by an independent Road Safety Audit Consultant to Stage 2 level.
- (4) The next stage is detailed design and approval which can only start after planning permission has been granted and can take a significant period of time (6 to 12 months) to complete. Early approval will allow its construction vehicles during the house-building programme and thereby mitigate local vehicular disruption significantly.

- 5.2 Ross Rural Parish Council:

"Agreed in principle but on drainage issues should be resolved before construction begins. We also have concerns about the roundabout capacity and that it does not exceed the plan for 150 houses."

5.3 Ross-on-Wye Town Council:

“We object. We do not feel we could agree with this application until the development of Tanyard Lane is sorted out and the problem of the sewage system is solved.”

5.4 8 letters have been received expressing objections and points of concern. In summary these are as follows:

1. traffic noise will be vastly greater with traffic slowing down/halting and accelerating again in low gear, especially as roundabout on an upward slope, and many existing residential property on higher ground will be seriously affected,
2. the noise study carried out in 2004 considered the effect of prevailing traffic only on the proposed houses and concluded that noise levels fell within category C where planning permission should not normally be granted without commensurate mitigation. The proposed buildings were to form a façade to protect the most of the site,
3. report paid no regard to the effect on existing housing nor the increased noise as a result of the roundabout especially during the night – if this is considered the result may well be category D “where planning permission should normally be refused”,
4. it would add to congestion problems at Hildersley and Overross roundabouts and further delay emergency vehicles,
5. town centre is grid-locked now – how will it cope with huge increase in traffic resulting from this permission?
6. only change from earlier proposal is that the fourth arm (to east) has a farm gate,
7. the report to Committee on the earlier proposal contained insufficient information for Members to make a decision with regard to advice from the Highways Agency, the traffic assessment, accident statistics, report from West Mercia Constabulary detrunking, flooding and sewerage,
8. it is not certain that the final plan can be approved because there is inadequate information with regard to rainfall run-off, flooding and the temporary sewage treatment plant in relation to water quality to be confident that they are acceptable,
9. 150 houses would lead to greatly increased pressure on services and schools, overload sewerage system and with the lack of jobs result in more commuting by car. Development on this scale should be near a railway station

5.5 One letter of support has been received which cites the following reasons:

- (1) fully support this application because Ross on Wye is already congested and the speed of traffic along the A40 by-pass is far too great and needs slowing down,
- (2) will offer an opportunity of an improved access to prestigious 5 star Tourist Board rated caravan park – this opportunity has been rejected by the Council over the last 13 years

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

6. Officer's Appraisal

- 6.1 This application relates only to the roundabout, although this is required only to facilitate residential development. With the adoption of the UDP the Tanyard Lane housing scheme is an allocation in the statutory development plan. The developers have submitted this application so that this large development can get underway, the roundabout being essential before any houses can be built, whilst the ownership issues preventing completion of the Agreement are resolved and outline permission can be granted.
- 6.2 The Committee's concern regarding the earlier application (SE2006/0171/F) was that in granting planning permission for the roundabout (which could only be justified financially as part of a large residential development) Members would be prejudicing their decision on the outline application. Furthermore Members were concerned that the roundabout would be constructed in advance of the grant of permission for the housing and there could be a lengthy delay between its completion and its being brought into use; to grant permission would therefore have been premature. The Committee decided to defer a decision until the proposal could be considered at the same time as the outline application. The latter has now been approved by Members, subject to a Planning Agreement. The arguments regarding prematurity have been considered by the Appeal Inspector (see the Appendix A). Although he dismissed the appeal this was only on the grounds that no assessment of the changes to traffic noise resulting from the development had been undertaken. This has now been carried out (see Appendix B). The main issue therefore is whether there would be an unacceptable increase in traffic noise experienced by occupants of existing housing to the north.
- 6.3 The noise study carried out by the applicant's consultants has used a well-established and accepted traffic model and methodology to answer these concerns. Although not specifically designed to assess these precise circumstances the Council's Environmental Health Manager is satisfied that these are the appropriate techniques. The study concludes that "the overall noise level at the existing properties is likely to decrease. WSI Acoustics therefore conclude that no further mitigation measures need to be introduced to protect the existing housing from traffic noise from the A40 [after the roundabout has been brought into use]". This conclusion is accepted by the Environmental Health Manager. On this basis and taking into account the Appeal Inspector's conclusions I consider that it would now be appropriate to grant planning permission for this development.

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 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

3 G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

4 G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

INFORMATIVES:

1 The highway proposals associated with this consent as shown on drawing number 50390/100 rev C (Tanyard Lane, Ross on Wye, Site Access Roundabout) involve works within the public highway, which is land over which you have no control. The Highways Agency therefore requires you to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact Mr Jon McCarthy of the Highways Agency's Area 9 team; at an early stage to discuss the details of the highways agreement, his contact details are as follows:

**Area 9
Highways Agency
C4/5 Broadway
Broad Street
Birmingham
B15 1BL**

2 N19 - Avoidance of doubt

3 N15 - Reason(s) for the Grant of Planning Permission

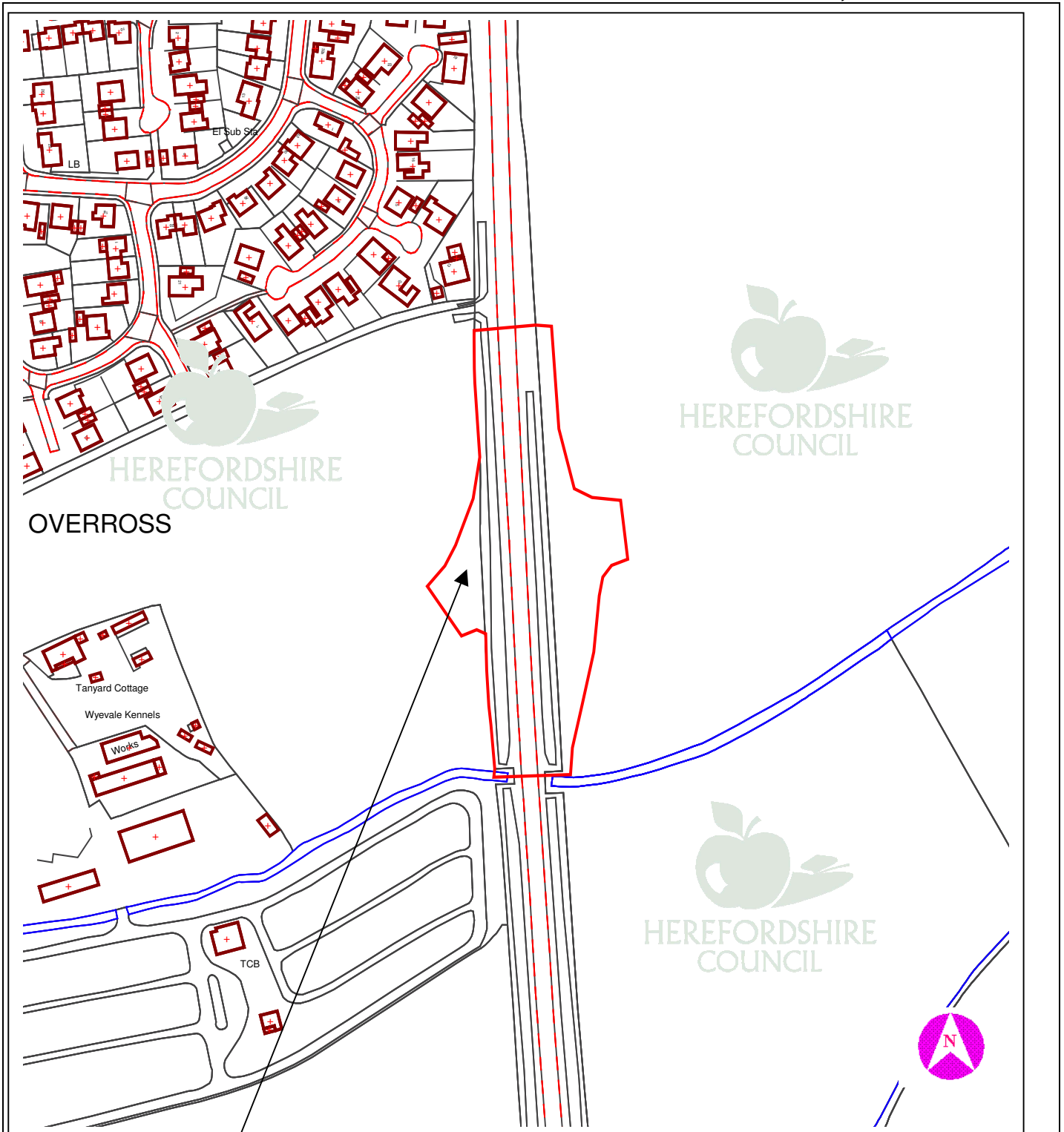
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCSE2006/4006/F

SCALE : 1 : 2500

SITE ADDRESS : Location on A40(T) highway, between the junction of A40(T)/A449 and Rudhall Brook, Ross-on-Wye, Herefordshire.

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

APPENDIX A



Appeal Decision

Site visit made on 23 February 2007

by Alan Boyland BEng(Hons) DipTP CEng MICE MIHT MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date: 28 February 2007

Appeal Ref: APP/W1850/A/06/2032350

A40(T) Highway between the junction of A40(T)/A449 and Rudhall Brook, Ross-on-Wye,
Herefordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Persimmon Homes (South Midlands) Ltd against Herefordshire Council.
- The application Ref SE06/0171/F, is dated 16 January 2006.
- The development proposed is a three-arm roundabout on the alignment of the existing A40(T).

Decision

1. I dismiss the appeal.

Reasons

2. The proposed roundabout would be located on the A40 Trunk Road east of Ross-on-Wye, adjacent to an area of land identified in the revised deposit draft of the Herefordshire Unitary Development Plan (UDP) for development of 150 houses with vehicular access from the A40. I understand that adoption of the UDP is imminent so I attach considerable weight to it. A development brief for the site, again indicating access from the A40, has been adopted by the Council.
3. An outline planning application (ref. SE05/3280/O) for the housing development and the roundabout has been submitted to the Council, but I understand that it has not yet been determined. However, that application is not before me, and my consideration of this appeal is confined to the proposed roundabout itself, which has to be assessed on its own merits. I cannot accept the suggestions by interested persons that the roundabout should be rejected in order to preclude the housing development.
4. The A40 here is a 7.3m single carriageway on a straight north-south alignment subject only to the national speed limit for such roads. The proposed roundabout would be approximately mid-way along the 1.4km stretch between the Overross roundabout to the north and the Hildersley roundabout to the south. Towards the former the A40 rises on a gradient of around 3.5%; southwards it levels out. The proposed roundabout is described as having 3 arms. These would link with the A40 in both directions and with an access road into the proposed housing site to the west. However, in addition a farm access gate is shown leading from the roundabout to the east.

HEREFORDSHIRE
PLANNING SERVICES
DEVELOPMENT CONTROL

02 MAR 2007

To
Ackd: File

Appeal Decision APP/W1850/A/06/2032350

5. No objection to the proposed roundabout has been raised by the Highways Agency (the highway authority for the Trunk Road) subject to the developer's attention being drawn to the need to enter into a legal agreement with the Agency to cover the detailed design and construction of the works within the highway boundary. Nor has the Council raised any concerns on highway capacity or safety grounds.
6. I note that at application stage a number of objectors referred to an appeal decision in 1977 relating to a proposed roundabout in a similar location, in which the Inspector is said to have concluded that the roundabout would be harmful to road safety and the free flow of traffic. I do not know how similar that scheme was to the current one, which has been subject to a safety audit and to submission of revised details to address issues raised by the audit. In any event, national policy and technical guidance on highways has changed considerably in the intervening 30 years, and I have seen no evidence that there would be significant harm in these respects.
7. The Council does, however, express concern about the effects of increased traffic noise on the occupants of existing dwellings on the edge of the present built-up area. I share this concern, as traffic that has hitherto been free-flowing on the approach to the uphill gradient would have to slow, and possibly stop, at the roundabout before accelerating away uphill. In particular, heavy goods vehicles would take a considerable distance to pick up speed again, during which time their engines would be working hard and many gear changes would be required. The effects of the noise generated would be exacerbated by the fact that the road is on an embankment some 2m high at the position of the proposed roundabout, though it is more or less at grade by the northern boundary of the proposed housing site before going into a shallow cutting. Southbound traffic would have to brake on the downhill grade on the approach to the roundabout, which would again be likely to involve gear changes.
8. The appellant refers to a note from acoustic consultants addressing these concerns, and to a noise assessment. The former concluded that the effect on residents would not be significant, but this conclusion appears not to have been based on a full noise assessment and so I attach only limited weight to it. The subsequent noise assessment has not been submitted to me so I cannot take it into account.
9. As the Council acknowledges, many of the existing dwellings would be shielded from the noise if and when the proposed houses were built. Moreover, measures to assess and mitigate noise could be secured through a planning condition, though the appellant disputes the need for such a condition. In the absence of an assessment I cannot determine how effectively the noise could be attenuated. In any event, the properties closest to the A40 would not benefit from this as they are beyond the limits of the current scheme, though I accept that in most cases the road runs into a shallow cutting as it passes them. On the information available to me it seems likely that there would be harm to the living conditions of residents in this respect.
10. I recognise that the need for the proposed housing development might be sufficient to outweigh such harm, but I am unable to make that assessment separately from consideration of the housing proposals, which are not before me. However, if permission were granted for the roundabout alone it could be built in isolation from, or at least ahead of, a commitment to the housing. In the absence of the housing development there could be no such balancing exercise. I note the company's apparent confidence that the outline

Appeal Decision APP/W1850/A/06/2032350

DCSE2006/4006/F

permission will be granted, and recognise that the impediments to this appear to relate to matters of detail rather than of principle, but there can be no certainty of this. That being so, and despite the appellant's desire to expedite approval of the infrastructure details in view of the timescales involved, it seems to me that it would be premature to grant full planning permission for the roundabout at this stage.

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Alan Boyland

Inspector



DCSE2006/4006/F

APPENDIX B

**MEMORANDUM**

TO Mark Sackett, RPS

FROM Daniel Pope

COPIES TO Barbara-Ann Overwater, RPS

DATE 10 May 2007

WSP REF 12101129 Tanyard Lane

During the meeting between the developers of the Tanyard Lane site and the planning officers on 14th March 2007 Environmental Health Officer, Ariz Tresins, raised concerns that voiced by the planning committee about the effect of the proposed A40 site access roundabout on noise to existing properties. It was reasoned that the introduction of the roundabout would slow traffic on the A40, and that due to the incline this would lead in turn to high engine revving on heavy vehicles leaving the roundabout.

WSP Acoustics has researched different traffic noise assessment standards used in other countries and as yet has not found another method particularly suited to this issue.

Therefore, the accepted UK method has been applied. The method adopted as standard in the UK is set out in two documents; Calculation of Road Traffic Noise (CRTN), published by the Department of Transport, Welsh Office; and Design Manual for Roads and Bridges (DMRB), published by the Highways Agency. In broad terms CRTN is used to calculate the likely levels of noise that will be received at a given location and DMRB is used to assess perceived nuisance this would cause.

No site specific field work has been performed to verify this method in this particular instance but CRTN has long been accepted and frequently been verified under many and varied conditions.

The available traffic data for the proposed development is not as detailed as would be ideal for this assessment. No traffic speed data are available and it has been assumed in the traffic assessment that existing traffic speeds will generally be around the speed limit. The speed limit for the road is 60mph (~97km/h). The nearest existing properties are over 100m from the roundabout. It is not known how fast vehicles are likely to be travelling in the future with the roundabout in place by the time they pass the properties. Hence calculations have been performed for a range from 25km/h (~15mph) to 97km/h (~60kmph)

The gradient to the north of the proposed site access roundabout is estimated from site plans to be approximately 4.4%. CRTN uses this gradient to calculate a revised speed and this has been taken as the traffic speed on the existing road. There is also a gradient based correction to the noise level from traffic, based on increased engine noise due to the incline. The gradient correction due to a 4.4% incline is +1.3dB. Of course this will not be affected by the addition of the roundabout.

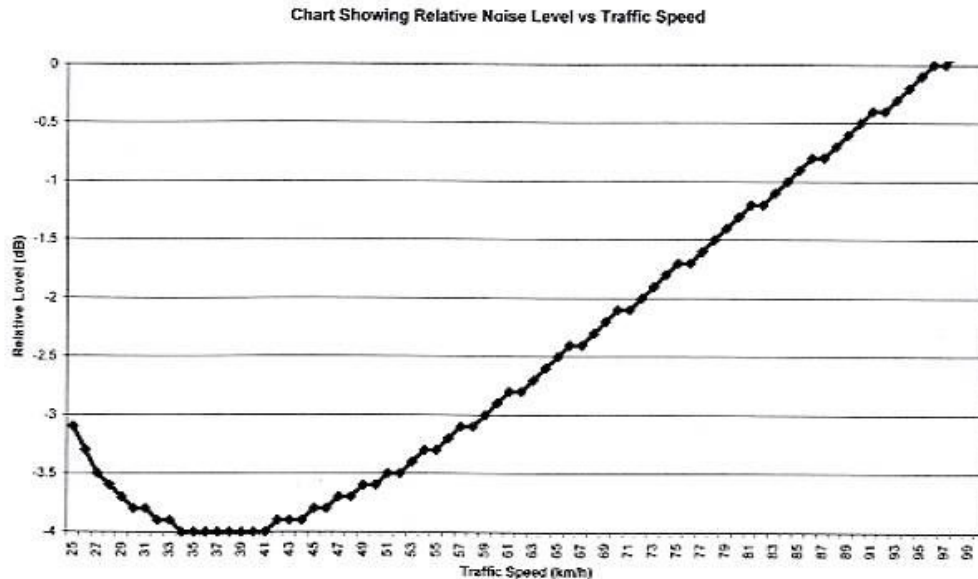
Strictly speaking the speed correction (as a result of the gradient) applies only to one way traffic, and so calculations here have focused on traffic noise from the inclined nearside carriageway so as to best address the committees concerns on this issue. As the data analysed is all relative this approach will not affect the results.

S:\E10 Acoustics\Projects\E10\12101129 Tanyard Lane - Further Work\2007\Memo_100507 - Tanyard Lane Assessment of change in traffic noise with new roundabout - rev1.doc

DCSE2006/4006/F

Memorandum continuation

Using the proportion of HGVs (12.3%) and assumed traffic speeds the change in noise level dependent on traffic speed is shown in Figure 1, below.



This shows that on a road of 4.4% gradient, with 12.3% HGVs, for traffic speeds between 25km/h (~15mph) and 97km/h (~60mph) there is a total variation in noise level of 4dB, all in a downward direction. From the data tables in DMRB an abrupt change in noise level of -4dB will lead to a "change in percentage [of people] likely to be bothered very much or quite a lot by traffic noise" of 33%.

Conclusion

It has been suggested by the planning committee that noise levels at existing properties may increase due to HGVs on a gradient revving higher and travelling at lower speeds. However, to assess the noise level at these properties other factors must also be taken into consideration. Firstly, that vehicles other than HGVs contribute to the overall noise level. HGVs only represent 12.3% on the traffic on the stretch of road in question. Secondly, that noise from traffic on the opposite carriageway will generally decrease due to the decline. And finally, that in most situations vehicles are quieter when travelling more slowly.

This assessment has shown that with all of these factors taken into account, and averaged over a typical day, the overall level at the existing properties is likely to decrease.

WSP Acoustics therefore conclude that no further mitigation measures need be introduced to protect the existing housing from traffic noise levels from the A40.