

**5 DCSE2009/0130/F - NEW VEHICULAR ACCESS, PLOT ADJACENT TO FORGE HOUSE, BROMSASH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7PJ.**

**For: Mr & Mrs Challenger per Richard Ball Architect, Ilex, Ashfield Crescent, Ross on Wye, Herefordshire, HR9 5PH.**

Date Received: 22 January 2009

Ward: Penyard

Grid Ref: 64866, 24137

Expiry Date: 19 March 2009

Local Member: Councillor H Bramer

**1. Site Description and Proposal**

- 1.1 The application site forms part of the extensive garden that is on the south-west side of Forge House, which is on the south side of the crossroads in the centre of Bromsash.
- 1.2 This application is in part retrospective. An access has been partly constructed onto the B4224, work has now stopped and a chain link fence has been placed across the entrance. The application is for the construction of a vehicular access that will be some 50 metres south-east of the B4224/C1280 crossroads with 2 metre x 90 metre visibility splays in both directions. The entrance and visibility splay will require the hedge that runs across the front of the site to be removed. A native species hedge is to be planted on the line of the visibility splay.

**2. Policies**

**2.1 Planning Policy Statements**

PPS1 - Delivering Sustainable Development  
 PPG13 - Transport  
 Highways Design Guide for New Development

**2.2 Herefordshire Unitary Development Plan**

Policy S2 - Development Requirements  
 Policy S6 - Transport  
 Policy T8 - Road Hierarchy  
 Policy LA5 - Protection of Trees, Woodlands and Hedgerows  
 Policy LA6 - Landscaping Schemes

**3. Planning History**

- 3.1 SE2002/0342/O Dwelling - Refused 27.03.02  
 Appeal dismissed on 06.12.02

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

##### Internal Council Advice

4.2 Traffic Manager recommends conditions.

#### **5. Representations**

5.1 7 letters of objection have been received. The main issues raised are:

- The access will be within close proximity to a notorious blind crossroad.
- This is a dangerous section of road where the speed limit is often ignored.
- The access will lead to the development of the site, which has already been refused and dismissed, on appeal.

5.2 Linton Parish Council – “This entrance would be close to the very dangerous crossroads at Bromsash - the scene of many accidents; fortunately none fatal, as yet. The increase in traffic including heavy lorries and ever-larger agricultural traffic has increased the danger to motorists and pedestrians. The 30mph speed limit is largely ignored. Concern was expressed regarding the discharge of surface water onto the road if the driveway is laid to tarmac or block paved. Council does not support this application.”

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 Policy T8 of the Herefordshire Unitary Development Plan deals specifically with road hierarchy requiring access to the road network to be carefully controlled. Access to the road network is controlled in the interests of road safety and the free flow of traffic. Developments should not compromise the safe movement and free flow of traffic or the safe use of the road by others.

6.2 The key determining factor in this application therefore is considered to be a matter of highway safety. The application proposes the construction of an access onto the B4224, which is subject to a 30mph speed restriction. On these types of road, and in order to provide safe access the Council’s Highways Guide for New Development requires the entrance to be constructed with a 2 metres x 90 metres visibility splay in both directions. The splay is required to enable drivers using the B4224 to see a potential hazard in time to slow down or stop before reaching it, and to ensure that users of the entrance can see when exiting and be seen by others.

6.3 Whilst the Parish Council and local residents raise concerns about highway safety matters, given the relationship of the entrance to what is considered as a dangerous entrance, the Traffic Manager considers the entrance is far enough away from the crossroads so as not to cause nuisance to the users of the adjoining road. Accordingly, it is considered the proposal is acceptable in the interests of highway safety and to the free flow of traffic using the B4224.

- 6.4 The visibility splay requirements will remove the hedgerow that runs across the frontage of the site. While this will have local landscape impact, domestic hedgerows are not subject to statutory protection under The Hedgerow Regulations. However, the applicant has agreed to the planting of a native species hedge along the line of visibility splay.
- 6.5 Some concern has been expressed in relation to the potential for future residential development of the site. The principle of this has been ruled out by reference to the dismissed appeal, and the subsequent adoption of the Herefordshire Unitary Development Plan restricts the opportunity for further development. It is the officer's view that any future development would be limited to small scale ancillary outbuildings that would be associated with any garden plot.

## 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. **H06 (Vehicular access construction)**  
**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**
3. **H03 (Visibility splays)**  
**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**
4. **H05 (Access gates)**  
**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**
5. **H09 (Driveway gradient)**  
**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**
6. **H13 (Access, turning area and parking)**  
**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.**
7. **G12 (Hedgerow planting)**  
**Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.**

**Informatives:**

1. **HN01 - Mud on highway**
2. **HN05 - Works within the highway**
3. **HN10 - No drainage to discharge to highway**
4. **N19 - Avoidance of doubt - Approved Plans**
5. **N15 - Reason(s) for the Grant of Planning Permission**

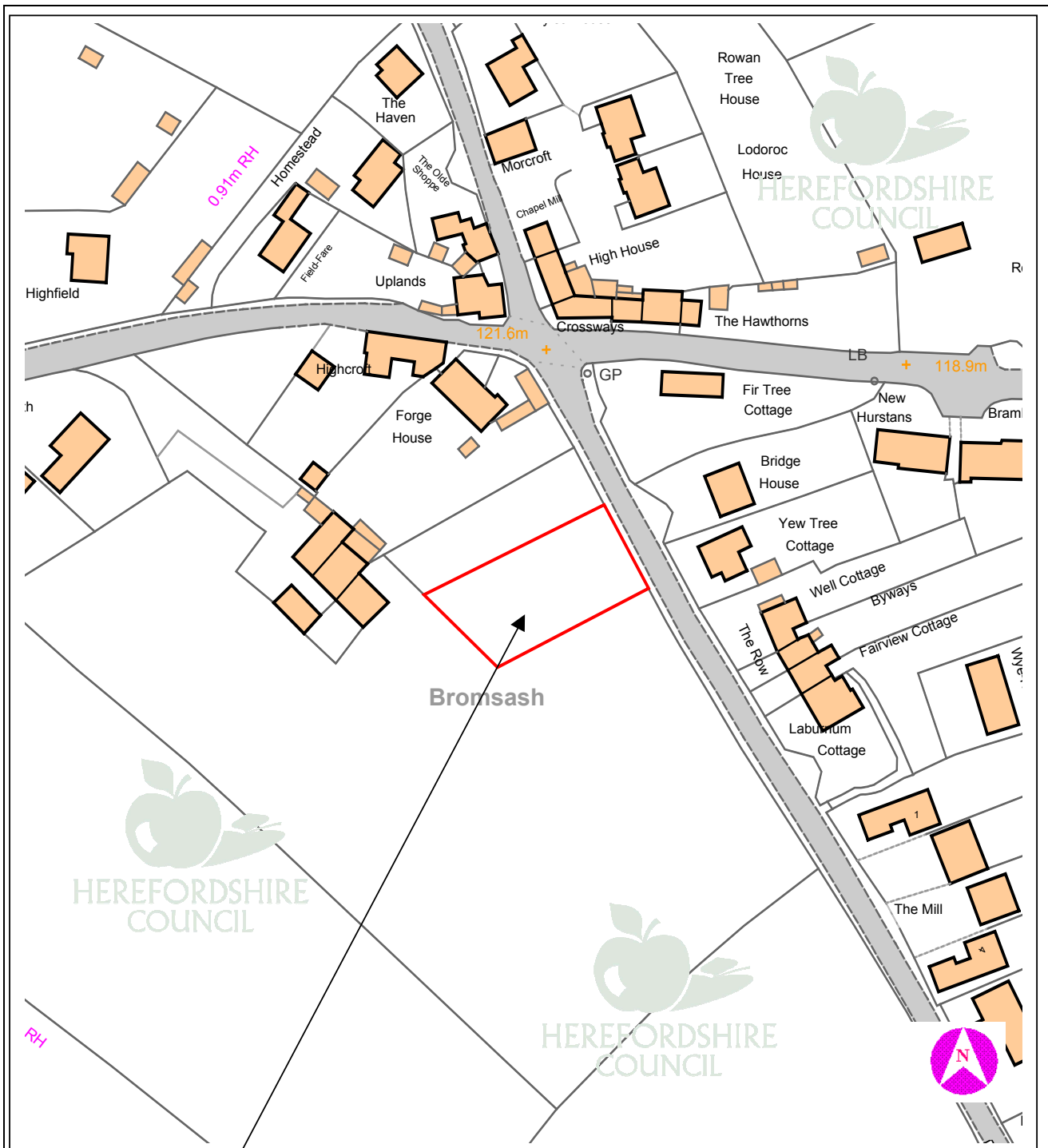
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2009/0130/F

**SCALE:** 1 : 1250

**SITE ADDRESS:** Plot adjacent to Forge House, Bromsash, Ross-on-Wye, Herefordshire, HR9 7PJ

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