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| MEETING: | PLANNING COMMITTEE |
| DATE: | 14 MARCH 2012 |
| TITLE OF REPORT: | <p>S102272/F - VARIATION OF CONDITION 20 OF PLANNING PERMISSION DCSE2008/0095/F REGARDING ROUNDABOUT JUNCTION DELIVERY AT LAND AT TANYARD LANE, ROSS ON WYE, HEREFORDSHIRE, HR9 7BH</p> <p>For: Persimmon Homes South Midland per RPS Planning & Development, Highfield House, 5 Ridgeway, Quinton Business Park, Birmingham, B32 1AF</p> |

Date Received: 3 September 2010 **Ward: Ross-on-Wye East** **Grid Ref: 360722,224825**
Expiry Date: 3 December 2010
Local Members: Councillors AM Atkinson and PGH Cutter

1. Site Description and Proposal

1.1 The application site comprises the eastern part of an extensive area (about 8 hectares) of land off Tanyard Lane that is allocated for residential development in the Herefordshire Unitary Development Plan. The site is bounded by Tanyard Lane and a modern housing development which lies to the north, the A40 to the east, Rudhall Brook to the south and modern housing to the south-west. This proposal relates to the extant planning approval for 87 dwellings. There is a mixture of house types across the extant scheme including detached, semi-detached and terraces including 30 affordable dwellings. The larger dwellings would front onto the A40. The dwellings would be protected by acoustic barriers of 3 metres in height to the northern and western sides of existing dog kennels. Planning approval was granted by the then Southern Area Planning Sub-Committee in April 2008, planning approval was subsequently granted in February 2010, subject to a Planning Obligation/Section 106 agreement.

1.2 This proposal seeks to vary the terms of Condition 20 to extant planning permission DCSE2008/0095/F. This condition reads as follows: -

Before any works are commenced the roundabout shown on drawing 50390/100 Rev C hereby approved shall be constructed and shall be the only means of vehicular access for construction traffic and future occupiers to the development hereby approved, unless otherwise agreed by the local planning authority in consultation with the Highways Agency.

Reason: In the interests of highway safety, the amenities of residents and to comply with Policies DR2 and DR3 of the Herefordshire Unitary Development Plan.

In essence, the developer is seeking to defer the construction of the roundabout for a period of 12 months to enable up to 40 dwellings to be constructed (not occupied) with a temporary construction access provided. The proposal is to utilise an existing farm gate entrance in the north-east corner of the site for use as the temporary construction access. This access point

Further information on the subject of this report is available from Andrew Prior on 01432 261932

will allow the developers to start work on site and build up to 40 dwellings, of the 87 dwellings approved in February 2010. The dwellings erected would not be occupied until such time as the roundabout has been constructed. The temporary access point is closer to residential properties in Chatsworth Close and as such the developer will provide a hoarding of up to 2.4 metres in height that will screen HGVs coming into and leaving the construction site and will also provide sound attenuation to the noise generated by the access and the noise of construction.

- 1.3 In terms of associated works on the A40, it will also be necessary to provide a 40 mph speed restriction, extra signage and to control the direction of vehicles entering and leaving the site as well as provide wheel cleaning facilities. These are measures that would have been required in the event that the developer was able to comply with the terms of Condition 20 in its original form

2. Policies

2.1 Herefordshire Unitary Development Plan:

| | | |
|------|---|--|
| S1 | - | Sustainable Development |
| S2 | - | Development Requirements |
| S3 | - | Housing |
| DR1 | - | Design |
| DR2 | - | Land Use and Activity |
| DR3 | - | Movement |
| DR4 | - | Environment |
| DR5 | - | Planning Obligations |
| DR7 | - | Flood Risk |
| DR9 | - | Air Quality |
| DR10 | - | Contaminated Land |
| H1 | - | Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas |
| H2 | - | Hereford and the Market Towns: Housing Allocations |
| H3 | - | Managing the Release of Housing Land |
| H9 | - | Affordable Housing |
| H13 | - | Sustainable Residential Design |
| H15 | - | Density |
| H16 | - | Car Parking |
| H19 | - | Open Space Requirements |
| ED5 | - | Safeguarding Employment Land and Buildings |
| T6 | - | Walking |
| T7 | - | Cycling |
| T8 | - | Road Hierarchy |
| T11 | - | Parking Provision |
| RST3 | - | Standards for Outdoor Playing and Public Open Space |
| NC1 | - | Biodiversity and Development |
| 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. Withdrawn.
- 3.2 DCSE2005/3208/F Residential and associated development including linear park and site access. S106 not yet agreed.
- 3.3 DCSE2006/0171/F 3 arm roundabout on alignment of A40(T). Appeal Dismissed 02.03.07.

- 3.4 DCSE2006/4006/F 3 arm roundabout on alignment of A40(T). Approved 07.11.07.
- 3.5 DCSE2008/0095/F Erection of 87 dwellings and associated garages, new access and linear park. Approved 03.02.10 (subject to Planning Obligation).

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency has no comments to make given the section of A40 is de-trunked. The Highways Agency also states that in order to allay concerns relating to the impact on the Over-Ross roundabout, we attached a condition previously (condition 21) that no development shall be occupied unless the mitigation works have been completed. Condition 21, as previously recommended by the Highways Agency should not be undermined by this proposed variation to Condition 20.

Internal Council Advice

- 4.2 Traffic Manager has stipulated that the site access shall only be used by construction traffic i.e. no sales or public use of the temporary access point until such time as the roundabout access is in place. There shall be no occupation of dwellings until such time as the roundabout is completed and the temporary access is closed. There also needs to be a limit of 12 months on the time available for use of the temporary access and works on up to 40 dwellings. A visibility splay of 3m x 215 metres in each direction would be required.
- 4.3 Environmental Health and Trading Standards Manager initially requested further details for acoustic hoarding, however with further details submitted support is given subject to control of deliveries i.e. none on Sundays or Bank Holidays and only between the times specified by the applicant.

5. Representations

- 5.1 Ross Town Council has no objections provided a wheel wash is provided to keep mud on the A40 to a minimum.
- 5.2 Ross Rural Parish Council rejects the revised application to introduce a temporary access to the site and delaying construction of the island :the island must come first.
- 5.3 Ten letters of objection have been received from local residents and on behalf of a local business. These are summarised as follows:
- Public safety reasons for constructing roundabout first, still remain.
 - Allowing proposal allows Persimmon time to submit a further roundabout application.
 - Application for Caravan Park access off A40 denied by Inspector in 1997: traffic has increased since then.
 - Mud on road.
 - Small entrance extremely dangerous.
 - Increased noise levels, dust, air pollution will detract from amenity of residents.
 - Patio door only 10 metres from boundary of site.
 - If developer can afford to build 40 houses can afford to build roundabout.
 - Unoccupied houses would attract vandals, site accessible from Tanyard Lane.
 - Loss of light from hoardings.
 - Eyesore of signage.
 - Temporary access may well become a permanent one.
 - Viability of business should be safeguarded, refuse this proposal.
 - What are phases 2, 3, 4 ? Why not build near Labels it is an eyesore.

- 5.4 The applicant's agents have submitted plans detailing the route of the temporary access point, the highlighting of the dwellings to be erected within a stated 12 month period, details for site hoardings and road signage.
- 5.5 In a letter that accompanied the initial letter submitted in support of the application the following main points are made:
- (i) Condition 20 does not allow for works beginning on site such as landscaping, drainage works, and site preparation. The conditions imposed require substantial highways infrastructure prior to the construction of works on dwellings. Without such funding the delivery of a roundabout cannot commence.
 - (ii) Of the initial 24 units, 8 will be affordable ones. The work compound will move to a permanent location following completion of the initial 24 units.
 - (iii) Envisaged that as the final units (plots 26-31) and (plots 46-56) are completed so will the roundabout junction onto the A40.
 - (iv) Intended to only use temporary access for 18 months (note this has since been amended to 12 months).
 - (v) Due to proximity of field access to existing dwellings, hoardings will be erected protecting residential amenity from noise nuisance and visual intrusion.
 - (vi) Access onto A40 based on a left in and left out arrangement. Manned barrier will restrict access.
 - (vi) Will be restricted between the hours of 08.00 – 18.00 Monday to Friday and 8.00 – 13.00 on Saturdays. It is intended to keep top soil and other surpluses from excavations on site until such time as the roundabout is in place.
 - (vii) This is considered to be the best means of delivering capital funding for the required roundabout junction.
- 5.6 In a further letter, the applicant's agent states that the developer would wish to use the temporary period for as short a period of time as possible. This would though be dependent upon the S278 agreement being completed quickly. There are also other off site works that need to be completed.
- Also, the temporary access will only be open to construction traffic and consultants. Show homes will not be open to the public until the roundabout junction is in place. The temporary access will require the implementation of a lower speed limit i.e. 40 mph. However, visibility of 215 metres (for 60 mph) will be provided. The signage on the northern side of the junction can be sited further north outside of the visibility splay.
- As regards noise attenuation, acoustic details can be specifically conditioned i.e. no less than 2.4 m high and of plywood on a timber framework. Such hoarding will screen HGVs. The temporary compound is sited further away from the northern as discussed previously.
- 5.7 In a further letter submitted on behalf of the applicants. It is stated that the 2.4 metres high EcoHoard will provide up to 10 dB attenuation and a minimum of 5Db attenuation.
- 5.8 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 The site forms part of a larger strategic housing allocation in the Herefordshire Unitary Development Plan. The approved layout for Phase 1 included the detailed design for the new roundabout which was required to be constructed before works commenced upon the 87 dwellings. The current proposal relates to the phasing of development and seeks the flexibility to allow up to 40 dwellings within a 12 month period to be erected (but not occupied) before work is completed on the roundabout. Therefore, the main issues for consideration relate to the implications for deferring the construction of the roundabout and these relate to the associated impact of the temporary construction access upon residential amenity of occupiers in Chatsworth Close and the highway safety implications.
- 6.2 The applicants are seeking to defer the construction of the roundabout in order facilitate capital funding that would be released by the construction and sale of the dwellings, which would be offset against the significant upfront cost of building the roundabout. The developer was initially seeking a period of up to 18 months, however the Traffic Manager has recommended a restriction of 12 months from start of works on site. As submitted the proposal would allow for up to 40 dwellings to be constructed within this period

Residential Amenity

- 6.3 In broader terms the construction of 87 new dwellings of the site would have an impact on the amenity of residents in Chatsworth Close. However as proposed the main change would be the provision of a temporary construction access closer to these properties that adjoin the development site. It is acknowledged that there will be some disturbance to existing residents but this can be mitigated by the use of hoardings that will provide sound attenuation and screening, together with control of deliveries (excluding Saturday afternoons, Sundays and Bank Holidays as recommended by the Environmental Health and Trading Standards Manager). It should also be noted that regard must be had for the background noise of traffic using the A40 together with that of construction of the first phase of development and to the fact that the developers do not propose to export excavated material from the site through the temporary access thereby minimising the traffic using the temporary construction. The representations received from local residents are acknowledged but having regard to the advice received from the Environmental Health and Trading Standards Manager, it is not considered that the proposal can reasonably be resisted for reasons of residential amenity. Therefore, the measures proposed accord with Policies S2, S6, DR2, DR4, and DR13 of Herefordshire Unitary Development Plan.

Highway Safety

- 6.4 The Traffic Manager had concerns about the stated intention of using the access point for 18 months together with the siting for signage and visibility achievable. It is considered that by restricting the time period for use of the temporary access to 12 months, by providing the required visibility and associated signage these initial concerns have been addressed.

The proposal provides for wheel cleaning facilities and reasonable controls over the frequency and nature of deliveries, for example the retention of excavated material on the site will minimise HGV movements. Accordingly it is considered that the proposal satisfies the requirements of Policies DR2, DR3 and T8 of Herefordshire Unitary Development Plan.

It is considered that the provision of a temporary access that is time limited and appropriately controlled would provide sufficient flexibility to the developer whilst adequately protecting residential amenity and enable much needed housing for Ross-on-Wye to come forward and accordingly subject to the conditions set out below the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions and those conditions attached to the original planning permission SE2008/0095/F where they remain relevant:

1. The development hereby permitted shall be begun before 3 February 2013.

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

2. Within 12 months of the commencement of the development hereby approved, or upon completion of 40 dwellings, whichever is the sooner, the roundabout shown on drawing no. 50390/100 Rev C shall be constructed and certified as complete by the local planning authority and shall thereafter be the only means of vehicular access for construction traffic and future occupiers to the development hereby approved.

Reason: In the interests of highway safety and the amenity of local residents and to conform with Policies DR3 and T11 of Herefordshire Unitary Development Plan.

3. Before the temporary construction access is first brought into use the hoardings as specified in the letter dated 23 December 2010 shall be erected in accordance with drawing no. 1.

Reason: In the interests of the amenity of local residents and to conform with Policy DR3 of Herefordshire Unitary Development Plan.

4. There shall be no deliveries taken at or despatched from the site via the temporary construction access outside the following times: Mondays to Fridays 0800 and 1800, Saturdays between the hours of 0800 and 1300 nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of local residents and to conform with Policy DR3 of Herefordshire Unitary Development Plan.

5. There shall be no removal of top soil or other material generated by the excavation of the site until such time as the roundabout is available for use.

Reason In the interests of the amenity of local residents and to conform with Policy DR3 of Herefordshire Unitary Development Plan.

6. H03 Visibility splays (3 metres x 215 metres)

7. The signage and road markings required for the temporary construction access shall be carried out in accordance with approved plan (101 Rev.C) before first use of the temporary construction access and shall be retained for the duration of its approved use.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

Informatives:

1. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other

debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

2. The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford, H4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
3. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
4. **N15 Reason(s) for the Grant of PP/LBC/CAC**

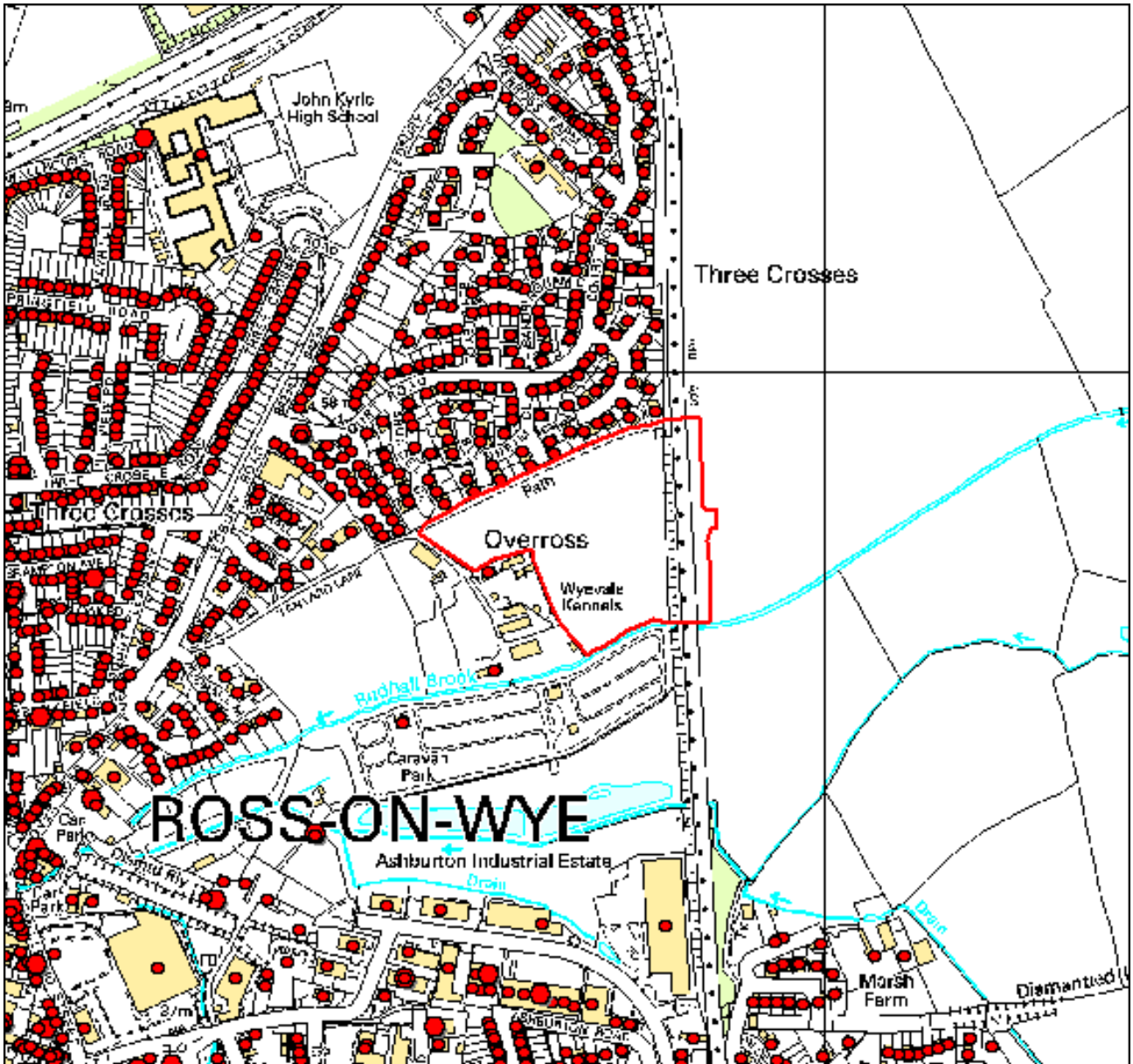
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/102272/F

SITE ADDRESS: LAND AT TANYARD LANE, ROSS ON WYE, HEREFORDSHIRE, HR9 7BH

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