

10 DCSE2005/1396/F - CONSTRUCTION OF 11 NO. DWELLINGS WITH ACCESS ROAD AT LAND OFF THE BRAMBLES, LEA, ROSS-ON-WYE, HEREFORDSHIRE.**For: J P Homes Ltd. per Andrew P Jones Associates,
Hollybank House, Stockwell Lane, Cleeve Hill,
Cheltenham GL52 3PU****Date Received: 29th April 2005****Ward: Penyard****Grid Ref: 65633, 21743****Expiry Date: 24th June 2005**

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The application site of about 0.4ha comprises part of the garden of Tregarth and the adjoining field to the north-east. Tregarth is a detached property along the A40(T) road in the village of Lea. It is close to a sharp bend in the road at the junction with the B422 Mitcheldean Road. The site adjoins housing to the north-west (The Brambles) and to the south of Tregarth (Rose Cottage and Cawston Cottage) with the former village school to the north-east (for which planning permission for conversion to houses plus one new house has been granted) and the village hall playing field adjoins the northern apex of the site. It is within the settlement boundary for Lea in both the South Herefordshire District Local Plan and Hereford Unitary Development Plan (Revised Deposit Draft).
- 1.2 It is proposed to erect 11 houses on this site. There would be a mixture of residential units: 2, 2-bed apartments, each of which would adjoin a 3-bed dwellinghouse and 7, 4-bed detached houses with 3 house types. These would be arranged formally around a shared surface access road. The latter would be an extension of the road serving houses in The Brambles (an adopted highway) which accesses the A40(T) about 100m from the sharp bend referred to above. In response to the Highways Agency the existing access to Tregarth and to the field (which adjoins Cawston Cottage), both close to the bend, would be closed and Tregarth would be accessed off the new access road.

2. Policies**2.1 Planning Policy Guidance**

PPG3 - Housing

2.2 Hereford and Worcester County Structure PlanPolicy H16A - Housing in Rural Areas
Policy H18 - Residential Development in Rural Settlements

2.3 South Herefordshire District Local Plan

Policy SH6	-	Housing Development in Larger Villages
Policy SH8	-	New Housing Development Criteria in Larger Villages
Policy SH9	-	Balance of Housing Types
Policy SH13	-	Affordable Housing in/adjacent to Settlements
Policy SH14	-	Siting and Design of Buildings
Policy SH15	-	Criteria for New Housing Schemes
Policy C30	-	Open land in Settlements
Policy R3A	-	Development and Open Space and play Areas
Policy GD1	-	General Development Criteria
Policy T3	-	Highway Safety Requirements

2.4 Herefordshire UDP (Revised Deposit Draft)

Policy H4	-	Main Villages: Settlement Boundaries
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H19	-	Open Space Requirements
DR5	-	Planning Obligations

3. Planning History

3.1 There have not been any recent applications for development of this site.

4. Consultation SummaryStatutory Consultations

4.1 Highways Agency directs as follows:

"The submitted drawing No 7764/1A addresses the two concerns regarding closure of the accesses and improved pedestrian facilities. However, the following outstanding issues still remain:

- Re-grading of the bank to the north-west of the access and removal of a small tree (in order to achieve full visibility of 90m)
- Relocation of an existing road sign and cutting back of foliage located to the south east of the access

These remaining conditions are of paramount importance to ensure the required visibility splays are achieved to safeguard the present and future users of the A40 Trunk Road."

4.2 Welsh Water recommend conditions be included regarding drainage of the site.

4.3 English Heritage do not wish to make representations.

Internal Council Advice

4.4 Traffic Manager requests more information regarding parking provision as number of spaces are not specified. In this rural location would not wish to relax standards.

- 4.5 Head of Strategic Housing Services advises that the Local Housing Needs Survey conducted in October 2004 did not find evidence that such affordable housing need exists. This is very likely due to the relatively high proportion of existing affordable housing in the locality (26%), compared to the average across the County of around 15% (2001 census data). Although there is a shortage of affordable housing elsewhere in the County, based upon the housing needs survey as above, Strategic Housing Services will not be seeking any affordable housing from this proposed development.
- 4.6 Head of Environment Health has no objection to the proposed development however recommend a condition regarding hours of construction to protect the amenity of local residents.
- 4.7 Director of Children's Services points out that although there is some space in Lea Primary School, the John Kyrle High School is already exceeding capacity and any additional pupils would add to congestion in the school. It is recommended that a contribution of £11,000 should be made by the developer towards meeting part of the shortfall in educational facilities at John Kyrle High School.

5. Representations

- 5.1 A detailed Supporting Commentary has been submitted on behalf of the applicants. The following is a summary of the case put forward:
- (1) The development proposed for the application site involves the erection of 11 residential units and integral garages and/or parking provision.
 - (2) The proposal brings forward a positive environmental benefit for the area and a significant enhancement of a site which is surrounded on all sides by residential and other development.
 - (3) Given its particular form and content, the development proposed can be viewed favourably in the light of national policy guidance, regional planning guidance and the Wychavon Local Plan Review. [sic].
 - (4) In traffic terms, the development proposed will create only limited traffic movements to and from the site and, given the satisfactory visibility arrangements which can exist to access the site, will cause no difficulties in respect of the existing highway arrangements.
 - (5) The proposal brings forward a positive environmental benefit for the area which can be regarded as a significant enhancement of the site's character in association with the surrounding built form.
 - (6) The issue of sustainability is regarded as an important issue here. In cases of this type, all policies (including those relating to sustainability) must be considered in a balanced view. In this case, the overall benefits that would result from the implementation of this scheme far outweigh any opposition that may emerge in individual policy areas.
 - (7) It is acknowledged that the application site lies within the countryside. However, it does not lie within the open countryside. The attributes of this site, and its surroundings, are primarily residential and part of a settlement. The site is

surrounded on all sides by existing development and may be regarded as an "infill opportunity" within this part of Lea.

- (8) Given the size and form of the proposal, the application may be regarded as proposal for "windfall" housing development.

A Supporting Statement on Transport has also been prepared.

5.2 Lea Parish Council object to the proposal as it would be overdevelopment of the site.

5.3 13 letters have been received objecting to the proposed development. In summary the reasons given are as follows:

- (1) outside the settlement and contrary to all national and local policies
 - does not meet criteria for exceptional development outside settlements; would create a ribbon of development along the A40. One letter points out that in the Draft UDP site is safeguarded open space;
- (2) does not meet local needs
 - houses would be too expensive (£300,000 plus) for local people - a recent survey of housing need in Lea showed that no additional housing is required;
- (3) negative impact on neighbours and environment
 - this would be overdevelopment (11 houses on smaller site than 6 in The Brambles)
 - not appropriate for a village, more like town housing development
 - destroys well-established garden and attractive meadow with its natural fauna and flora
 - elevated site and would tower over the 2 cottages resulting in loss of privacy
 - noise and disturbance from extra traffic and unattractive outlook especially for adjoining houses in The Brambles, a quiet, well-established cul de sac.
- (4) unreasonable increase in traffic
 - estimated extra 20/22 cars resulting in 40 trips a day plus service vehicles would all use a dangerous access onto the trunk road with high probability of accidents (i.e. up to 300% increase in trips using this access).
 - dangerous section of road between two right angled bends with speed camera, school entrance and 6 accesses to dwellings
 - very narrow footway along A40(T) gives little protection from heavy lorries and would be used by children living in the new housing - a major pedestrian hazard made worse by the proposed accesses to 3 of the houses.
- (5) not sustainable
 - no jobs in the village, a limited bus service and would not help create local jobs - new residents will have to commute.
- (6) Issue is taken with statements in the Supporting Commentary and it is stressed that the site is not surrounded by development, the site is not an eyesore/problem that needs to be developed, there are no positive benefits from the proposal, residents have not agreed to the scheme.
- (7) No hydrological survey, drainage or radon gas survey.

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 The application site is within the settlement of Lea, a larger village, as defined in both the South Herefordshire District Local Plan and the Unitary Development Plan (Revised Deposit Draft). In the first UDP Draft the field part of the site was identified as safeguarded open space but this allocation was omitted in the Revised Draft. In principle therefore residential development is acceptable according to both adopted and emerging plans. Thus Policy SH6 (SHDLP) states that "with the limits to development of thevillage residential development will be allowed provided it confirms with appropriate plan policies".
- 6.2 Policy C30 (SHDLP) seeks to protect open land from development which forms an intrinsic part of the character of a settlement. This is not restricted to land specifically identified in the Local Plan. The field part of the application site was a school playing field prior to the new school opening last year. Lea is characterised by a number of clusters of buildings well separated from each other by open countryside. Adjoining the application site is a larger open area, the village hall playing field. In these circumstances the application site as open land contributes only modestly to the character of the settlement.
- 6.3 There are 3 issues that require consideration. Firstly, whether the density and style of development would be compatible with the character of the settlement, secondly the effect on the amenities of neighbours and thirdly the effect on highway safety.
- 6.4 The density of the scheme would be about 30 dwellings per hectare. This is within the density range recommended in PPG3 as the minimum normally acceptable and accords with Policy H15 of the emerging UDP. The layout of the development ensures generally accepted distances between dwellings within the site and in relation to existing dwellings. This is also the case, in my opinion, in relation to proposed dwellings on the site of the former village school. The site is at a higher level than the two cottages (Cawston Cottage and Rose Cottage) but the proposed houses would be set back from the road which should be sufficient to avoid harm to the street scene. The house types are typical of modern housing development but would not be out of place in this context. Overall I consider that the proposed development would not result in significant harm to the character of the village.
- 6.5 As noted above the layout would allow sufficient space between the proposed and existing dwelling. This would ensure that the privacy of neighbours would not be adversely affected and that the new housing would not be visually intrusive. There would be more vehicular traffic along The Brambles but existing houses are set back from this access road and the extra traffic noise would not be at an unacceptable level, bearing in mind the much greater traffic flows along the A40(T).
- 6.6 The Highways Agency has carefully considered the safety implications of this proposal and is satisfied that with minor adjustments to the proposal existing problems would not be exacerbated. This section of the trunk road is subject to a 30 mph speed limit and the visibility splay proposed (4.5 m x 90 m) is therefore appropriate. This splay would be a significant improvement on current visibility which is limited to only 4.5 m x

38 m to the south-east and 4.5 m x 56 m to north-west. There is an existing footway along the highway which would be directly accessible from the new housing area. It is concluded that there are insufficient grounds on this issue to refuse permission.

- 6.7 The applicants have agreed in principle to meet the contribution towards educational facilities which is required. Policy R3A (SHDLP) requires provision of a toddlers' play area. In this case there is a play area on the adjoining playing field and it seems preferable to seek a financial contribution towards improvement/maintenance of that play area. This would be included in the Section 106 Agreement.

RECOMMENDATION

That

- 1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to a financial contributions to meet the need for additional educational facilities at John Kyrle High School and towards improvement/maintenance of children's play facilities in Lea and any additional matters and terms as she considers appropriate.**
- 2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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 A09 (Amended plans)**
Reason: To ensure the development is carried out in accordance with the amended plans.
 - 3 B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
 - 4 G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
 - 5 G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
 - 6 G01 (Details of boundary treatments)**
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
 - 7 F48 (Details of slab levels)**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

8 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

10 No development within the application shall be undertaken unless the proposed improvements as shown on drawing number 7764/1A and listed below have been designed as far as possible in accordance with Highways Agency Road Geometry standard "TD41/95 Vehicular Access to All Purpose Trunk Roads" and completed to the satisfaction of the Local Planning Authority after consultation with the Highway Agency.

- Re-grading of the bak to the north-west of the access and removal of a small tree (in order to achieve full visibility of 90m)
- Relocation of an existing road sign and cutting back of foliage located to the south east of the access.

Reason: Highways Agency direction.

11 No development within the application shall be undertaken unless the proposed improvements as shown on drawing number J051/1 and listed below have been designed as far as possible in accordance with Highways Agency Road Geometry standard "TD41/95 Vehicular Access to All Purpose Trunk Roads" and completed to the satisfaction of the Local Planning Authority after consultation with the Highway Agency.

- Re-grading of the bak to the north-west of the access and removal of a small tree (in order to achieve full visibility of 90m)
- Relocation of an existing road sign and cutting back of foliage located to the south east of the access.
- Closure of the existing vehicular access to the property known as Tregarth and closure of an existing field access.
- Improved pedestrian facilities.

Reason: Highways Agency direction.

12 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.

13 W01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system.

14 W02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

15 W03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

Informatives:

- 1 N02 - Section 106 Obligation**
- 2 The highway proposals associated with this consent 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 design and construction of the works. Please contact 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: tel no. 0121 678 8742, C4/5 Broadway, Broad Street, Birmingham B15 1BL**
- 3 N15 - Reason(s) for the Grant of Planning Permission**

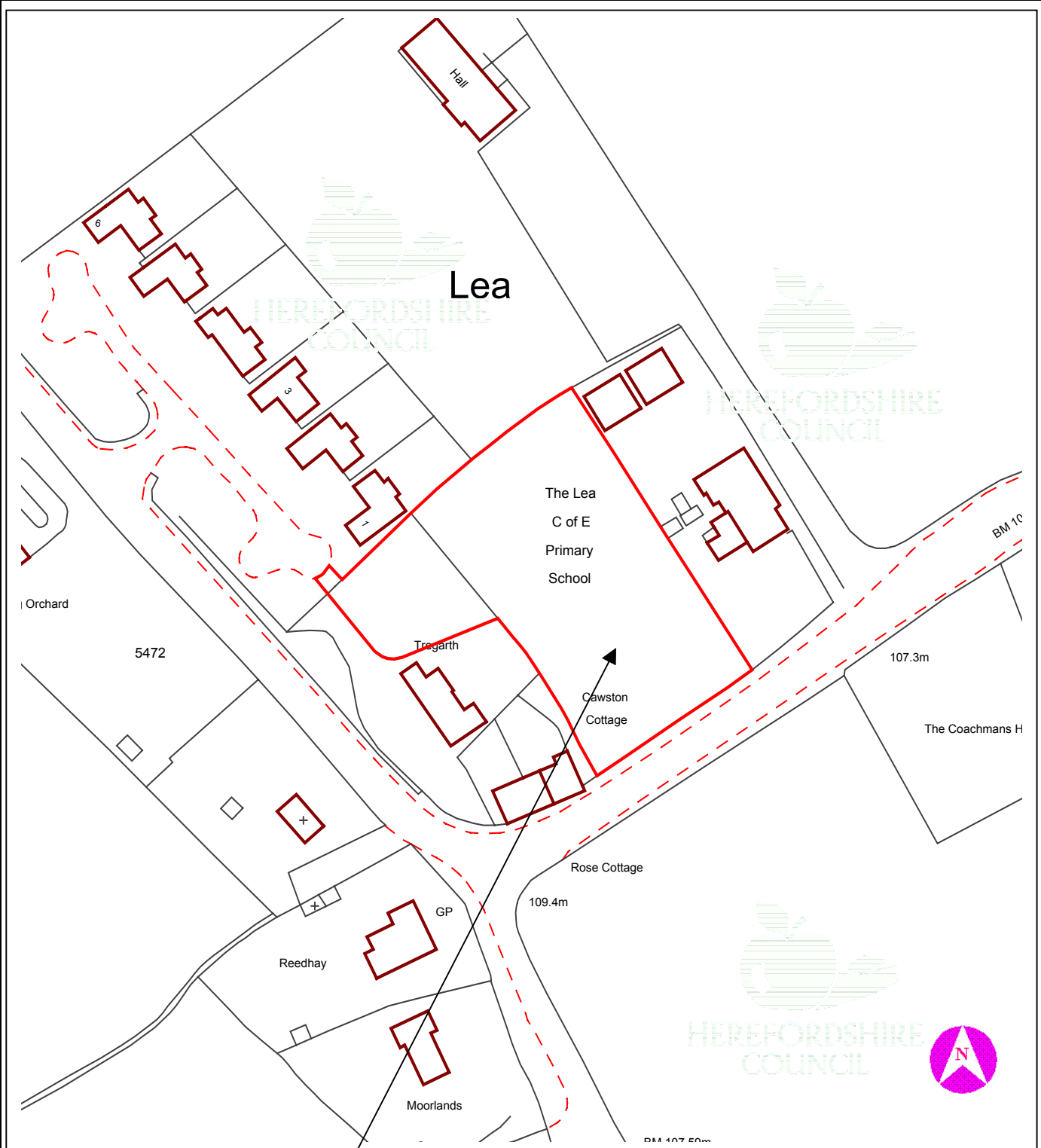
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCSE2005/1396/F

SCALE : 1 : 1250

SITE ADDRESS : Land off The Brambles, Lea, 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