

8 DCSE2006/0171/F - THREE ARM ROUNDABOUT ON THE ALIGNMENT OF THE EXISTING A40 (T) ON A40 (T) HIGHWAY BETWEEN THE JUNCTION OF A40 (T)/A449 AND RUDHALL BROOK, ROSS-ON-WYE, HEREFORDSHIRE.

For: Persimmon Homes (South Midlands Ltd) per WSP Development, 54 Hagley Road, Edgbaston, Birmingham, B16 8PE.

Date Received: 20th January, 2006 Ward: Ross-on-Wye East Grid Ref: 60851, 24833

Expiry Date: 17th March, 2006

Local Member: Councillor Mrs. C.J. Davis and Councillor Mrs. A.E. Gray

1. Site Description and Proposal

- 1.1 The Deposit Draft Unitary Development Plan (UDP) identified 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 Objections to this allocation in the UDP have been made, and these were considered at the UDP Inquiry during 2005 and the Inspector's report has now been published. 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 Two applications have now been submitted by a developer (Persimmon Homes). An outline application (SE2005/3208/O) for the whole of the site and this detailed application (SE2006/0171/F) for a new roundabout off the A40(T). These have not been reported to Committee as there has been a holding direction issued by the Highways Agency and ongoing discussions regarding a planning agreement.
- 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 Planning Policy Guidance**

PPG3	-	Housing
PPG23	-	Planning and Pollution Control
PPG24	-	Planning and Noise

2.2 Hereford and Worcester County Structure Plan

Policy H18	-	Housing in Rural Areas
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2.3 South Herefordshire District Local Plan

Part 1

Policy SH5	-	Housing Land in Ross on Wye
Policy ED4	-	Safeguarding existing Employment Premises
Policy SH14	-	Siting and Design of Buildings
Policy SH15	-	Criteria for New Housing Schemes
Policy C30	-	Open Land in Settlements
GC1	-	General Development Criteria

Part 3

Chapter 37, Policy 2	-	New Housing Developments
Policy 10	-	Alternative Uses of Employment Land
Policy 20	-	Open Spaces

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

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

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency does not propose to give a direction restricting the grant of planning permission but offers advice to the developer.

Internal Council Advice

- 4.2 Traffic Manager notes that the Highways Agency has concerns over the proposed layout of the A40(T) roundabout.

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 Tanyard Lane as set out under Policy H.2 of the emerging Herefordshire Unitary Development Plan.
2. This Policy seeks 50 dwellings phased for completion in 2006.
3. The reason for this submission is based on the need to bring forward required site infrastructure which has a long lead in period due to required highway consents.
4. I understand that the Council are still considering the Outline application for the whole site including access details; the access details now proposed differ slightly from ones submitted previously under the Outline application, in view of suggestions from the Highways Agency and the Council and now benefit from comments of a safety audit.

- 5.2 Ross Rural Parish Council has no objections to the proposal.

- 5.3 Ross-on-Wye Town Council felt "that the application was pre-emptive and should not even be considered prior to the public inquiry on the proposed development at Tanyard Lane.

Once the results of the public inquiry are published only then should consideration be given to altering the highway and then the two applications could be considered in conjunction."

5.4 16 letters have been received expressing objections and points of concern. In summary these are as follows:

1. object in principle as whole point is to provide access to proposed residential development but concerned that drainage problems have not been resolved and insufficient infrastructure in Ross to support large influx of people and traffic
2. should wait for planning inspector's report otherwise devalues public inquiry regarding the UDP
3. roundabout would be on steep incline and car and hgv drivers would be forced to change to low gear, vastly increasing noise as traffic accelerates/decelerates - at present flat ground allows acceleration before incline so that vehicles cruise up hill comparatively quietly.
4. do not accept that by slowing down traffic a roundabout would reduce noise
5. residents adjacent to A40(T) already suffer from traffic noise day and night which has increased by 15% in last 5 years or so - noticeably since Severn Bridge toll charges altered; projected figures show further 60% increase
6. significant increase in noise levels and air pollution would be unacceptable - will be applying for compensation
7. not reasonable to grant permission until noise tests carried out
8. absolute safety is main concern of Highways Agency and any housing which would have access to the trunk road should be individually assessed - could be 300 extra cars plus caravans, trailers, etc.
9. traffic impact assessment to include mitigation proposal is necessary
10. roundabouts at Overross and Hildersley are inadequate and need improvement
11. appeal in 1997 for access to caravan park dismissed as Inspector concluded it 'would be harmful to the interests of highway safety and the free flow of traffic on the A40 trunk road' - only change since then is 15% increase in traffic
12. two roundabouts already and this would be one too many and A40(T) would no longer be a relief road
13. would result in serious back-up on A40(T) to and from Ross and Gloucester and would obstruct emergency vehicles which regularly use this section of the highway
14. should not be carried out until road de-trunked
15. could result in undue pressure to approve future developments on both sides of the A40
16. a condition should ensure not built until needed
17. accuracy of Certificate is queried as part of application site is clearly part of agricultural enterprise.

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 There are three main issues arising from the proposal and representations, firstly the principle of constructing a roundabout to facilitate residential development at Tanyard Lane, bearing in mind the emerging Herefordshire Unitary Development Plan, secondly the effect on the amenities of local residents, and thirdly the effect on road safety.
- 6.2 As noted above the development of a 8 ha. site off Tanyard Lane for housing, predicated on gaining vehicular access via a new roundabout on the A40(T), is proposed in the Deposit Draft UDP. An inquiry into objections to the Plan was held during 2005 and the Inspector's report has now been published. The Inspector

concluded that this site is 'eminently suited' for housing development, 'it is a well located urban extension site that, in landscape terms, is not unduly sensitive. It would accommodate a significant number of dwellings on a site contained by the bypass.' (paragraph 5.23.271). With regard to the roundabout he noted that the Highways Agency does not object to the principle of the proposed development. A traffic assessment would need to be submitted with the planning application and this could deal with matters of concern to residents, including noise (paragraph 5.23.10 and 11). He did not consider that current overloading of the public sewerage system was an overriding constraint on achieving the number of housing completions that are estimated for the plan period (paragraph 5.23.17). In view of this support for the UDP allocation, which takes account of the concerns raised by local residents, the emerging plan can be given significant weight in relation to this proposal. There are no significant matters of principle therefore to justify refusing planning permission.

- 6.3 The applicants have undertaken traffic and noise studies to assess the impact of the roundabout and additional traffic. With regard to noise this would be most critical for the projected housing which would be close to the roundabout. These buildings would act as a noise barrier protecting the existing housing in the Collier & Brain estate. The developers have indicated that this would be the first part of the scheme to be built. (An application (DCSE2005/3207/F) for this phase has been submitted but was subsequently withdrawn pending revised proposals). Nevertheless until these houses are built it is likely that there would be some increase in traffic noise experienced by residents of the existing housing to the north and some dwellings within that estate closest to the A40(T) may continue to be affected after the Tanyard Lane site is developed. The submitted noise study suggests that housing can be constructed close to the A40(T) and noise levels would fall within the limits of acceptability, as defined in PPG.24. The housing in the Collier and Brain estate is about 100m to the north and it seems unlikely that occupants would suffer an unacceptable increase in noise levels. However, further consideration is being given to this matter by the Environmental Health and Trading Standards Manager and his advice will be reported at the Committee meeting.
- 6.4 On the third issue the Highways Agency have carefully considered the proposals, which are amended proposals taking into account the concerns of both the Agency and the Council's Traffic Manager, and do not object on highway safety grounds. The earlier appeal to which reference is made in paragraph 5.4(11) related to a different proposal, not a roundabout. This would have involved traffic turning straight on and off the trunk road which the appeal Inspector considered to be hazardous. He was dealing with the proposal before him rather than offering an opinion on the principle of a new access onto this stretch of the A40(T). The UDP Inquiry Inspector fully considered the proposed access to the Tanyard Lane development and noted that the Highways Agency did not object in principle, following re-appraisal of the route's status and the intention to de-trunk the A40. He stated that he was satisfied that this was the most appropriate means of access for this development. On this basis I do not consider that the proposal raises significant road safety issues.

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.

Informative(s):

1. The Highways Agency advise:

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 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 – Tel: 0121 678 8742.

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

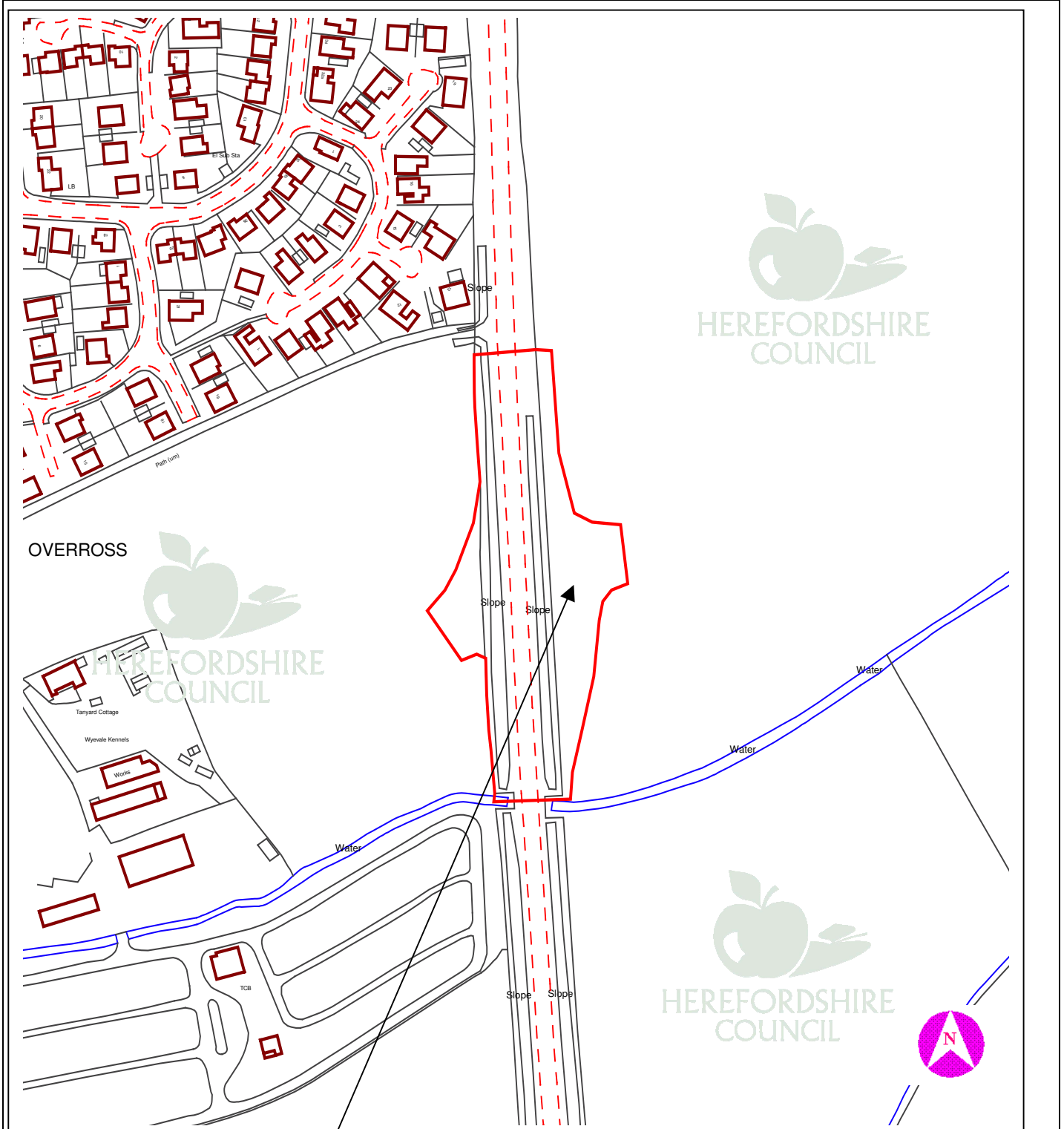
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2006/0171/F

SCALE : 1 : 2500

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

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