

**7 DCCE2007/3860/RM - A DEVELOPMENT OF 151 DWELLINGS CONSISTING OF 2,3,4 & 5 BEDROOM HOUSES WITH 1+2 BEDROOM APARTMENTS (PHASE 3). LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY**

**For: George Wimpey South Wales, Unit C, Copse Walk, Cardiff Gate Business Park, Pontrennau, Cardiff, CF23 8WH**

**Date Received: 18th December, 2007**

**Ward: St. Martins & Hinton**

**Grid Ref: 51072, 37949**

**Expiry Date: 18th March, 2008**

Local Members: Councillors WU Attfield, ACR Chappell and AT Oliver

**1. Site Description and Proposal**

- 1.1 The site comprises two parcels of land located between Bullingham Lane to the west and Hoarwithy Road to the east adjoining the railway line to the south. Access to the site is gained via Bullingham Lane which links into the A49 to the west. Ground levels are generally flat although there is a general fall from north to south.
- 1.2 The site comprises the last phase (Phase 3) of the residential development on the former SAS Camp known as Bradbury Lines. Outline planning permission was granted on 10th February, 2005 for the mixed use development of the site comprising housing, public open space community and local retail facilities. This permission superceded a planning permission in 2004 for Phase 1. The master plan accompanying the outline permission estimated a capacity of the site of around 500. Over the past three years several detailed permissions have been approved comprising Phases 1 and 2. The total number of approved dwellings now stands a 457, the majority of which have now been constructed and are occupied.
- 1.3 This application seeks to secure reserved matters approval for the layout, scale, access, appearance and landscaping for the final phase of the development. The application comprises 151 one, two, three, four and five bedroom dwellings and one and two bedroom apartments taking the total number of units for the site up to 608.
- 1.4 This mix has been amended to take on board comments received from consultees. Thirty-six per cent of the total number of units are affordable with 18% comprising low cost discount market housing, 9% are rented and 9% shared ownership. This will be in line with the Section 106 Agreement accompanying the outline permission. The main area of central open space, the junior football pitch, the all surface multi-use games area and main play area have all been approved in 2005 and do not form part of this proposal. Land in the south east corner of the site is also identified within the master plan for community use and this has now being transferred to Herefordshire Council. A new community building funded by the developer is to be constructed on this land but this again, does not form part of this application.

## 2. Policies

### 2.1 Planning Policy Guidance:

|       |   |                                      |
|-------|---|--------------------------------------|
| PPS 1 | – | Planning for Sustainable Development |
| PPS 1 | - | Annexe - Planning and Climate Change |
| PPS 3 | - | Housing                              |

### 2.2 Herefordshire Unitary Development Plan 2007:

|       |   |  |
|-------|---|--|
| S1    | - | Sustainable development  |
| S2    | - | Development requirements   |
| S3    | - | Housing  |
| S5    | - | Town centres and retail  |
| S6    | - | Transport  |
| S8    | - | Recreation, sport and tourism  |
| S11   | - | Community facilities and services  |
| DR1   | - | Design   |
| DR2   | - | Land use and activity  |
| DR3   | - | Movement   |
| DR4   | - | Environment  |
| DR5   | - | Planning obligations   |
| DR13  | - | Noise  |
| H1    | - | Hereford and the market towns: settlement boundaries and established residential areas |
| H2    | - | Hereford and the market towns: housing land allocations                                |
| H9    | - | Affordable housing   |
| H13   | - | Sustainable residential design   |
| H14   | - | Re-using previously developed land and buildings                                       |
| H15   | - | Density  |
| H16   | - | Car parking  |
| H19   | - | Open space requirements  |
| TCR13 | - | Local and neighbourhood shopping centres   |
| T6    | - | Walking  |
| T7    | - | Cycling  |
| T8    | - | Road hierarchy   |
| T11   | - | Parking provision  |
| LA6   | - | Landscaping schemes  |
| RST3  | - | Standards for outdoor playing and public open space                                    |
| RST5  | - | New open space adjacent to settlements   |
| W11   | - | Development and waste implications   |
| CF5   | - | New community facilities   |
| CF2   | - | Foul drainage  |

## 3. Planning History

- 3.1 CE2001/2756/O - Site for mixed use development to provide housing, open space, community and local retail uses (Phase 1) at land at Bradbury Lines, Bullingham Lane, Hereford. Outline planning approved 19th January, 2004
- 3.2 CE2001/2757/O - Site for mixed use development to provide housing, open space, community and local retail uses at land at Bradbury Lines, Bullingham Lane, Hereford. Outline planning approved 10th February, 2005.

- 3.3 DCCE2004/0095/RM - Proposed residential development mix of 2, 3, 4 and 5 bed houses, flats, bungalows, car parking/garages, roads and sewers thereto and landscaping. Approved 2nd June, 2004.
- 3.4 DCCE2005/1230/RM - Construction of 130 dwellings, provision of public open space and associated works. Approved 18th October, 2005.
- 3.5 DCCE2004/1545/RM - Proposed erection of 70 residential mixed dwellings. Withdrawn.
- 3.4 DCCE2005/1130/RM - Proposed residential development mix of 2, 3, 4 and 5 bed houses, flats, car parking/garages, roads and sewers thereto and landscaping (Phase 2). Approved 9th August, 2005.
- 3.7 DCCE2005/1991/F - Variation of Condition 29 of Outline Approval CE2001/2757/O. Approved 17th August, 2005.
- 3.8 DCCE2005/3145/RM - Provision of central area of public open space. Approved 22nd November, 2005.
- 3.9 DCCE2005/3706/RM - Proposed 2, 3 and 5 bedroom mixed residential development for 21 dwellings with associated accesses and garaging. Approved 8th February, 2006.
- 3.10 DCCE2006/1928/RM - Proposed 2, 3 and 4 bedroom mixed residential development Phase 2B. Amendment to permission CE2005/1130/RM to include construction of 14 dwellings. Approved 15th September, 2006.
- 3.11 DCCE2007/2193/RM - 152 new dwellings consisting of 1, 2, 3 and 4 bedroom flats and houses, associated garages, highways and external works. Withdrawn 26th October, 2007.

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

##### Statutory Consultations

#### 4.1 Highways Agency:

Outline planning permission was given for the site which indicated 500 dwellings, although a definitive ceiling on numbers was not stipulated in the consent. During further consultation and assessment work, the Highways Agency agreed that the trunk road network along with agreed mitigation measures would be able to accommodate up to 609 dwellings on the site.

This application is for a 151 dwellings and all the highway mitigation and drawings are as agreed in the outline consent. The number of parking spaces stipulated has increased from 280 to 302. This is a significant increase, and we ask that the developer justifies the additional level of parking and demonstrates how this fits in with Herefordshire Council's parking standards.

In light of the above the application as submitted is considered to require more information therefore the Agency therefore directs that the application is not determined at this time to allow the applicant time to address the issues raised by the Agency.

## 4.2 Sport England:

The creation of the new dwellings will lead to an increased demand on existing leisure and sports facilities. Therefore, unless there are already contributions sought for sports and leisure, we strongly advise contributions in the region of between £110,234 and £126,222 are required to either underpin existing sports facilities or towards the creation of new ones. This sum is based on the possible number of occupants in the dwellings proposed using our Sports Facilities Calculator.

## 4.3 Environment Agency: We have no objections to the development but recommend that the conditions attached to the outline consent are imposed. This includes requirements that sustainable urban drainage SUDS is incorporated prior to discharge to any sewer or receiving watercourse.

The use of SUDS is also acceptable providing such drainage does not result in unacceptable risk of remobilising contaminants present in the soil. If soil conditions are not appropriate an alternative drainage system will be required.

## 4.4 Welsh Water: No objections subject to conditions concerning foul and surface water drainage.

## 4.5 Network Rail: There is no objection to the proposal but specific requirement relating to fencing, drainage, ground levels, site layout, environmental issues, landscaping, construction and general safety are required to ensure the safe operation of the railway and protection of Network Rail's adjoining land.

Internal Council Advice

## 4.6 Traffic Manager: I recommend refusal until the following items have been resolved and amended plans provided. These include revisions to the design of the internal road network and associated footway and cycle paths, clarification as to parking allocation, changes to internal junction designs, visibility splays from some of the internal roads and widening of Bullingham Lane frontage.

Comments awaited on amended plans.

## 4.7 Parks and Countryside Manager:

I understand that the total number of dwellings on this development including Phase 3 is now 608. The total area of public open space provided is 4.15 hectares. Based on the thresholds within Policy RST3 of the Herefordshire Unitary Development Plan of 2.8 hectares per 1000 population and 2.3 persons per dwelling (average persons per dwelling - 2001 Census), a development of 608 dwellings should provide 3.92 hectares I would therefore not ask for any increase or an off-site contribution on this basis.

In a development this size, Policy H19 requires a play area suitable for 8-14 year olds and younger children, and outdoor sports provision for older children and adults. I understand that these details have already been approved.

We now, however ask for a Sport England contribution towards sports facilities provision from all new developments. This is in response to Sport England who require such developments to help contribute towards increased participation in active sports to meet with their strategy. The calculation is based on Sport England's Sports Facilities Calculator and equates to £630 per dwelling/apartment (figure agreed by

Sport England). Therefore in this case based on 108 units, we request £68,040. This will be used primarily towards improvements at Hereford Leisure Pool.

Given that the emerging PPG17 audit identifies a substantial shortfall of outdoor sports facilities per head of population in Hereford City south, we ask for Sport England's contribution in addition to on site provision of outdoor sports areas as determined by Policy H19.

With regard to the layout plans, we ask that consideration is given to the following regarding the proposed open space/landscaping scheme?

- Ensure adequate run off areas for the football pitch.
- In respect of the public/private domain ensure clear boundaries are established between residential property and POS.
- Remove the pathways to houses that cut across the POS as shown in phase 3b and have one path to these properties. These will avoid potential future disputes with residents over maintenance issues. It also reduces maintenance costs.
- Trees planted in residential gardens are not encouraged as they are often removed when residents move in.

We would like to see the final landscaping plan for this phase to incorporate the comments above and clear boundaries of POS to be adopted by the Council

#### 4.8 Head of Children's & Adult Services:

The provided schools for the site are St Martin's Primary School and Wyebridge Sports College. Both schools currently have capacity however the authority is currently undertaking a review of school provision and it is likely that capacities of schools will be assessed and reduced resulting in little if any surplus capacity at the schools.

Any additional children may then result in organisational difficulties at the schools and Section 106 contributions in line with the draft Supplementary Planning Document on Planning Obligations are therefore sought towards rectifying some of the existing issues that will be exacerbated by inclusion of additional children. The issues being the inadequate size of some of the classrooms, insufficient storage and general ancillary facilities such as cloakrooms. The required contributions range from £2,005 per unit for two bed apartments to £6,485 per unit for 5 bed houses.

#### 4.9 Conservation Manager: Comments awaited.

#### 4.10 Strategic Housing Manager:

Taylor Wimpey have now agreed to 25 low cost market units, 18 rented and 8 shared ownership over this last phase. Strategic housing now support the mix of affordable proposed and the distribution across the site.

#### 4.11 Environmental Health and Trading Standards Manager: No objection.

#### 4.12 Primary Care Trust: No comments received.

#### 4.13 Defence Estates: No comments received.

#### 4.14 Hereford Nature Trust: No comments received.

## 5. Representations

5.1 Hereford City Council: Objects to the over development of this site that will have an adverse effect on the already over used A49.

5.2 Lower Bullingham Parish Council: The Parish Council comments as follows:

1. There is lack of infrastructure.
2. Disagree with the density of houses at this site - more cramming in of houses.
3. Concerns over drainage - current drainage network cannot cope with the water at times of high rainfall which has contributed to flooding of a large area along Hoarwithy Road and localised properties.
4. Parking - the Parish Council is concerned over the parking proposed for this application as there are on-going parking problems within the area already in the location of Hoarwithy Road. This development will only exacerbate the problem.

Finally the Parish Council feel throughout the development Herefordshire Council has not listened to the points raised by the Council in previous phases. The Parish Council would have welcomed involvement during the consultation period to air the concerns of parishioners.

It is requested that with any further development around this area, the Parish Council are consulted upon prior to applications being submitted.

5.3 One e-mail from Gordon Higginbotham of 1 Aconbury Avenue. He queries whether access to the final phase will be via Hoarwithy Road, whether existing mature trees along Hoarwithy Road around the community land will be retained and how noise and dust emanating from the development during the construction phase will be controlled.

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

## 6. Officer's Appraisal

### The Principle

6.1 Two outline planning permissions have been approved for the site, the first granted on the 19th January, 2004 represented Phase 1 and was for a total of 160 units. This outline planning permission was superseded by the main outline permission for the site as a whole granted on the 10th February, 2005. The master plan accompanying this outline permission estimated the capacity of the site at the time to be around 500. However, neither the outline planning permission for the site as a whole nor the associated Section 106 Agreement placed a limit on the total number of units to be constructed on the site. As such, the principle of developing the site for residential development along with the potential for an increase in the density falls within the terms of the outline planning permission.

6.2 The capacity of the site was reviewed as part of the Unitary Development Plan process and both the Council and the UDP Planning Inspector accepted that the capacity and density of the site could be increased from an estimation of 500 to an estimated capacity of 600. This is now confirmed by Policies S3 and H2 of the Unitary Development Plan. Therefore the principle of increasing the density of development across the site as a whole including the last phase is fully supported by the Unitary

Development Plan policy and falls within the terms of the outline planning permission and Section 106 Agreement.

- 6.3 The master plan accompanying the outline permission also identified a small area of land in the south eastern corner of the site as a being a possible special care unit and local retail unit totalling 0.44 hectares. It was envisaged that this would include some form of sheltered or special care housing and local retail facilities to be integrated with adjoining community buildings. These facilities are no longer proposed. Neither the outline planning permission or the Section 106 Agreement required the provision of these facilities and the master plan merely presented them as being an option. Nevertheless, the applicants have appointed Turner & Company to undertake a retail viability appraisal to consider whether there is likely to be demand for a retail facility in this part of the site taking into account current supply and market conditions. The report concludes that due to the location of the site, the lack of any prominent road frontage, the limited through flow of vehicles and pedestrians along this part of Hoarwathy Road and other large development that has taken place since the time of the outline permission was considered (Asda, Co-Op Supermarket on Holme Lacy Road and the development at 109-111 Belmont Road) retail development at any scale on the site is unlikely to attract any commercial interest due to its 'off pitch' location.
- 6.4 This report is considered sufficient evidence to demonstrate that even small-scale retail provision on the site is unlikely to be viable. That is not to say that such a facility could not be accommodated on the community land or even within the community building if a need generated by future housing land allocations exists in the future. However, in terms of the principle of considering this application, the development of the area identified on the masterplan as being retail with housing is considered acceptable.

#### Density and Highway Impact

- 6.5 Policy H15 of the Unitary Development Plan requires the efficient use of previously developed land and sets an indicative minimum net density of 30 dwellings per hectare rising up to 50 dwellings per hectare on town centre sites. The overall density of the last phase amounts to 45 dwellings per hectare which falls within the limitations of Policy H15 and that advocated by Planning Policy Statement 3. This is also comparable to that which has already been approved on Phases 1 and 2. Therefore, the proposed density of this last phase is not considered to be excessive for the site itself and will be consistent with the general character and density of earlier phases. The appropriateness of the increased number of units on the site must, however, be assessed against the residential environment that is created in terms of the layout, housing scales, design, materials, infrastructure, level of open space and highway impact.
- 6.6 In 2005, planning permission was approved for the Variation of Condition 29 of the outline permission, which entailed the re-evaluation of the traffic impact and production of a new traffic assessment. This, amongst other things explored the capacity of the junction from the A49 onto Bullingham Lane along with the impact on other localised junctions such as Holme Lacy Road. In approving this variation, the Highways Agency were satisfied that the junction had capacity to accommodate up to 609 units without further significant works.
- 6.7 The outline planning permission required the modification of the existing Bullingham Lane junction to a signalised junction and these works are due to commence in the next month or so. Therefore, the Highways Agency and the Traffic Manager are

satisfied that the local highway infrastructure can accommodate the total number of units proposed from this development, this being 609. This is also subject to the developer contributing to sustainable transport measures including the subsidisation of the bus service through the site and other off site pedestrian and cycle improvements to encourage the use of non-car based modes of transport. The strategic highway impact of this development is also confirmed by the Highways Agency who have raised no objection to the total number of units now proposed.

### Layout

- 6.8 The layout is largely dictated by the existing road infrastructure and approved public open space, which borders most of the boundaries of the site. Nevertheless, some key principles have been adopted to ensure the development integrates with the existing built environment. A principle of the western parcel of land is to create an outward facing development with properties sited around the site boundaries to create a strong frontage both to Bullingham Lane and the open space whilst also ensuring that the footpath and cycle links are overlooked. The alignment of the Bullingham Lane frontage has been stepped back to mirror the now built development on the opposite side of the road. The current plans identify garaging along parts of this frontage which is considered unacceptable and this is in the process of being revised. The key mature trees in the south western corner of the site are to be retained with a new pedestrian/cycle path from the south western corner of Bullingham Lane adjacent to the railway bridge through this part of the site linking with the public open space and community land beyond.
- 6.9 The eastern half of the development also contains a strong frontage overlooking the public open space with slightly looser density with greater space between properties along the Hoarwithy Road frontage ensuring a continuation of the existing appearance created through the development constructed as part of Phase 2. A new pedestrian/cycle link is to be created running north-south linking with the community land and on to Hoarwithy Road. Properties are set back some distance from the cycle way enabling existing trees to be retained along with new planting to create a green corridor.
- 6.10 Where possible, the appearance and scale of the internal access roads have been down graded or reduced in width to create a more tortuous route for vehicles thereby acting as a traffic calming measure. Some of the gardens are relatively small and window-to-window distances a little restricted. However, in general, the property to garden ratio is acceptable and not unusual by modest residential development standards. Whilst further amendments are required to the layout and street scenes to address specific highway and design issues, the overall layout will not appear excessively dense or claustrophobic and a satisfactory residential environment will be created for the occupiers of the new dwellings.

### Housing Mix and Design

- 6.11 A broad mix comprising one and two bedroom apartments and two, three, four and five bedroom houses is proposed, 36% of which are to be affordable housing. The housing comprises a mixture of terraced, semi-detached and detached properties, apartments and flats above garages with scales varying between two, two-and-a-half storey and three storey. This mix is in line with that which has been achieved from Phases 1 and 2 and will achieve a satisfactory mix and balance of accommodation ensuring that all levels of affordability are catered for.



6.12 In terms of design, additional interest is being introduced to key street scenes through varying the mass, width and height of the properties. There is scope to improve the transition between some of the different scales of properties to achieve acceptable street scenes and the applicants are currently reassessing this. The proposed designs are fairly typical of a development of this nature and given the same developer is involved, will largely follow that which has been achieved on Phase 2. Seventeen different house types are proposed with the predominant material being brick, some render and tiled roofs. Additional interest is achieved through some dormer detailing within the roof space, hipped as well as pitched roofs and subtle changes to features such as porch detailing and window lintels. Given the context of the site, sufficient variation and interest will be created in the streets scenes and development as a whole.

#### Highway and Open Space Matters

6.13 As discussed in Paragraph 6.1, the general traffic impact of the development was assessed at both the outline stage and as part of the 2005 permission. The latter concluded the overall traffic impact associated with around 600 units is acceptable. Phase 3 will be served by the same means of access off Bullingham Lane as the remainder of the estate with the only vehicular access to Hoarwithy Road being for buses controlled by a bus gate system.

6.14 Parking is provided on plot where possible with occasional small communal parking courts at the rear of properties, which ensures that parking areas are overlooked. The parking provision has been increased slightly from that which has been provided in Phases 1 and 2 due to localised concerns that inadequate on plot parking has been provided. The ratio now proposes a minimum two spaces per unit (including garages). Although this is above that required by Policy H16 of the Unitary Development Plan and has generated a concern from the Highways Agency, it is considered an appropriate provision given the location of the site on the edge of the city and the type of housing proposed. Whilst the bus service is to be diverted through the site, it is still likely that the occupants will be relatively dependent on the car and therefore it is considered reasonable that the parking provision should reflect this situation. At the time of writing the concerns of the Highways Agency are being addressed and further comments will be reported verbally.

6.15 As with Phases 1 and 2, the ethos has been to create a network of footpath/cycle links across the site linking in with existing footways where possible. This is continued with the current application where all components of the proposed development will have direct pedestrian and cycle access to the open space, sports and play facilities and a community site. Although further revisions to the internal road layout are required the principles of the highway layout and parking provision are considered acceptable.

6.16 There are now limited trees on the site but where existing trees worthy of retention exist, they are to be retained and integrated with the development. Additional planting is proposed in key spaces to enhance the residential environment. This includes a continuation of the existing green corridor around the Hoarwithy Road frontage bordering the community land and the retention and enhancement of existing trees and vegetation along the southern boundary with the railway line. Although the landscaping details are awaited which has caused a delay in the Conservation Managers response, the principles of tree retention and integration with the development are considered acceptable.

6.17 Across the development as a whole 2.45 hectares of public open space, play and sport provision is proposed. Based on the total number of units now proposed being 608, this equates to a slight over provision when assessed against Policy H19 of the Unitary Development Plan. This still, however, represents a short fall compared to that, which existed prior to the development taking place, as there were a number of sports pitches on the site when it was utilised by the SAS. Nevertheless, the general provision of public open space is considered acceptable and the main play facilities have already been approved in 2005.

#### Section 106 Matters

6.18 The Section 106 Agreement requires 36% of the total number of units within each phase to be affordable housing comprising 18% low cost discount market housing, 9% social rented and 9% shared ownership. The low cost market housing is discounted at 30% below the market value at the time of purchase and this discount remains in perpetuity and transfers from owner to owner. This requirement has been met with the current proposal and the affordable housing is well distributed around the site to create a socially inclusive residential community. 6 bespoke units are also being provided to meet the needs of a specific group on the affordable waiting list.

6.19 The Section 106 Agreement accompanying the outline permission also requires contributions towards community infrastructure in the locality of the site. All of the contributions outlined in the Section 106 were received at the beginning of this year. The index linked contributions are as follows:

Education £182,443,  
Public transport contribution £280,067,  
Bus stop contribution £22,805,  
Safe route to school £79,819,  
Graveyard contribution £57,013,  
Community building contribution £786,787,  
Walk/cycle facilities contribution £51,312.

6.20 The above contributions were based on the outline permission and the master plan, which identified an estimated capacity of 500 units. The proposed increase in the number of units will inevitably generate an additional impact on community infrastructure and therefore it is considered reasonable and necessary to re-assess the Section 106 contributions accordingly. It has been agreed that the simplest mechanism of delivering further contributions is the provision of a "roof tax" contribution per dwelling over 500 units. A figure of £4250 per residential unit has now been agreed and the additional funds will be used for the same uses identified in the original Section 106 Agreement with the addition of money being used towards off-site sports and recreational facilities as required by Sport England and the Parks and Countryside Manager. This contribution falls short of that required by the Draft Supplementary Planning Document on Planning Obligations. However, this document has not yet been adopted and the development must ultimately still be considered under the terms of the original outline permission and original Section 106 Agreement. Furthermore, the proposed contribution is a significant increase on that which has been achieved from the original S106 and therefore the increased Section 106 contributions are considered reasonable and appropriate.

Other Matters

- 6.21 The last phase of the development is to be designed and constructed to a minimum standard of Eco Homes "Good" and the applicants are currently trying to achieve Eco Homes "Very Good" for all the housing. The affordable housing is already being designed to this standard. This system will soon be replaced by the Code for Sustainable Homes but at present, still remains in force. Achieving Eco Homes Very Good in particular will increase the environmental credentials of the site considerably and particularly the energy efficiency of the houses. This along with additional sustainable transport contributions will assist in reducing the overall carbon footprint of the development from the start of the construction process through to future occupation of the houses.
- 6.22 Concerns have been expressed by the Parish Council regarding localised incidents of flooding and whether the drainage infrastructure can accommodate the total number of units now proposed. As part of the conditions accompanying the outline permission surface water run-off is limited to a greenfield run-off rate of 10 litres per second per hectare. In addition surface water drainage is also attenuated within the site to a 1 in 100 year flood risk with discharge controlled by a hydro brake to a culvert. There is no evidence to suggest that the surface water drainage from the development has caused or increased localised flooding and Welsh Water confirm that adequate foul drainage capacity exists.

Conclusion

- 6.23 At the time of writing this report, plans are being amended to address concerns expressed by consultees and therefore delegated authority is required to enable changes to the layout, and street scenes to be amended and finalised. The Highway Agency have also issued a direction preventing a decision from being made at present and therefore delegated authority is also required to enable the Highway Agency's concerns to be resolved.

**RECOMMENDATION**

- 1) **Subject to submission of satisfactory amended plans addressing any layout and design changes considered necessary by officers to address matters raised in this report and subject to the highways Agency TR110 concerns being resolved by 3rd March, 2008;**
  - 2) **The Head of Legal and Democratic Services be authorised to complete a planning obligation by 14th March, 2008 under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.**
  - 3) **Upon the completion of the aforementioned planning obligation the officers named in the Scheme of Delegation to Officers be authorised to issue a reserved matters approval subject to the following conditions and any further conditions considered necessary by Officers.**
1. **Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no new hardstanding shall be created between any**

highway or footpath under frontages of the approved dwellings other than those expressly authorised by this permission.

Reason: In the interests of visual amenity.

2. E09 (No conversion of garage to habitable accommodation).

Reason: To ensure adequate off street parking arrangements remain available at all times.

**Informatives:**

- 1. N02 - Section 106 Obligation.
- 2. N09 - Approval of Reserved Matters.
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.
- 4. N19 - Avoidance of doubt.

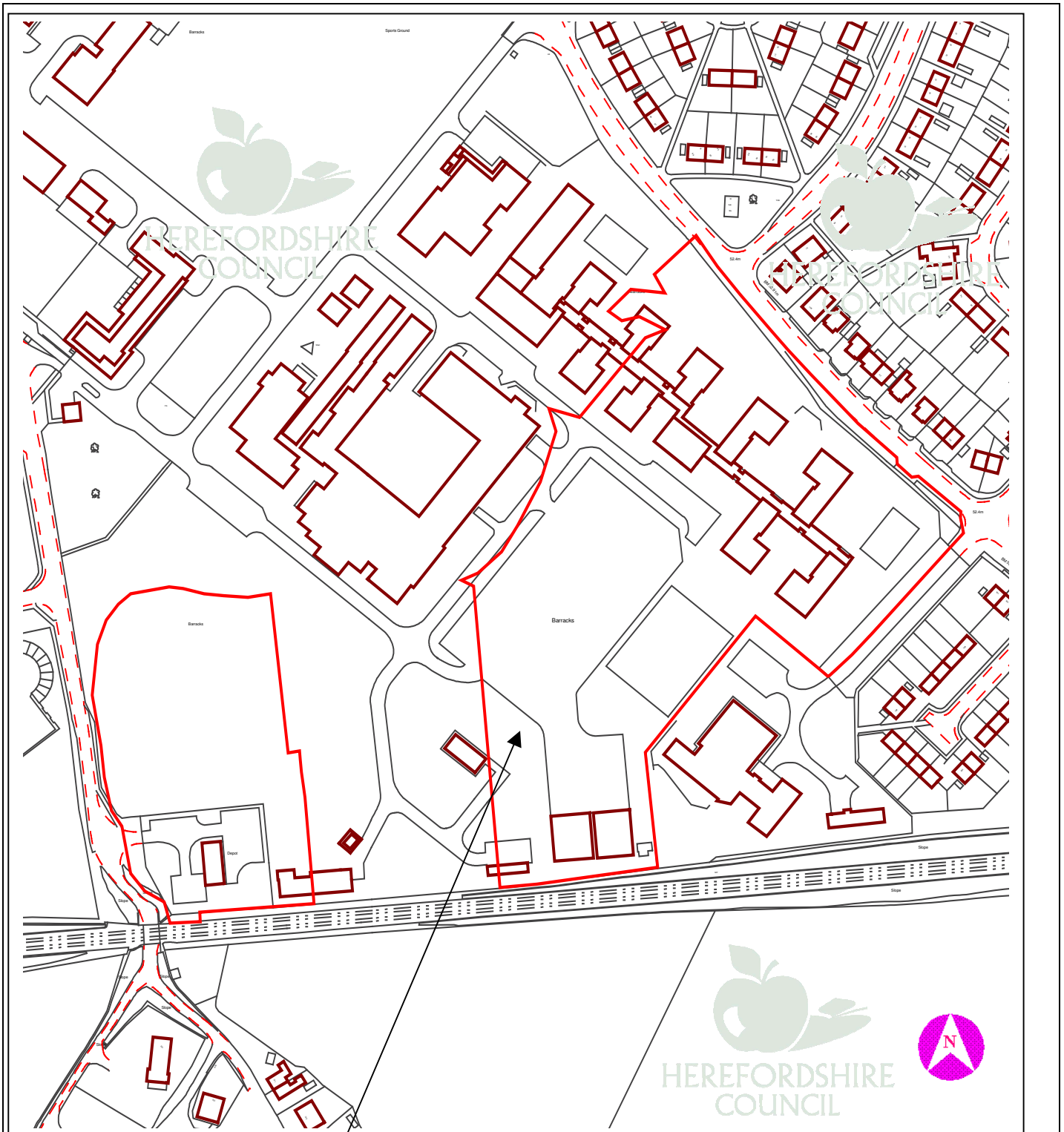
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/3860/RM

**SCALE :** 1 : 2500

**SITE ADDRESS :** Land off Bullingham Lane, Hereford, Herefordshire, HR2 7RY

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**DRAFT HEADS OF TERMS**  
**Proposed Planning Obligation Agreement**  
**Section 106 Town and Country Planning Act 1990**

Planning Application – DCCE2007/3860/RM

- Residential development of 151 dwellings with associated parking and landscaping

Land off Bullingham Lane, Hereford, HR2 7RY.

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council £4250 per dwelling for every dwelling over 500 dwellings falling within the site for which outline planning permission was approved on 10th February, 2005. The money shall be used for the enhancement of community infrastructure in accordance with the Section 106 Agreement dated 9th February, 2005 and towards the provision of new or enhancement of existing off site sport and recreation facilities in the South Wye area.
2. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in clause 1 within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
3. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
4. The developer shall complete the Agreement by 14th March, 2008 otherwise the application may be registered as deemed refused.

Russell Pryce - Principal Planning Officer

7th February, 2008