

4 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

For: George Wimpey UK Limited per Gough Planning Services, Mill Court, Mill Street, Stafford, ST16 2AJ

Date Received: 16th October 2001

Ward: St Martins & Hinton

Grid Ref: 50970, 38084

Expiry Date: 11th December 2001

Local Members: Councillors Mrs. W.U. Attfield, A.C.R. Chappell and Councillor R. Preece

1. Site Description and Proposal

- 1.1 The former Bradbury Lines military camp is situated towards the southern edge of Hereford City, to the east of residential properties fronting Ross Road, and to the west of Hoarwithy Road and to the north of the Hereford-Newport railway line. Entrances to the site are located off Hoarwithy Road and Bullingham Lane (the latter road splitting the camp into two parts). The overall site area is 20.5 ha.
- 1.2 The site supports a variety of buildings, open spaces and roads, all associated with the former use. The entire camp (with the exception of security offices) is now vacant.
- 1.3 In policy terms the site comprises 'white land' although is adjoined to the north, east and west by Established Residential Areas, and to the south by open countryside (beyond the railway line).
- 1.4 The proposal is for outline planning permission to redevelop the entire site for mixed housing, open space, community and local retail uses. All matters are reserved although a comprehensive 'bundle' of reports and surveys has been provided covering matters including the master plan, archaeology, contamination, infrastructure, open space provision, landscaping, and the design framework. Additionally, a Transport Assessment has been prepared for the entire site.
- 1.5 As all matters are reserved there is no detailed site layout although the masterplan gives a clear indication of the intended size and location of the various proposed uses. These are 14.23 ha for residential development (this equating to 498 dwellings based on 35 dwellings per ha), 3/7 ha for open space and 1.22 ha for other non-residential uses (community/health facility, special care unit and local retail facility).
- 1.6 The masterplan, as updated by the design framework, sets out the broad terms of the proposal. The design framework divides the site into three 'phases' - phases 1, 2 and 3. Phase 1 (160 dwellings and open space) already has the benefit of a Council resolution to grant planning permission subject to a Section 106 Agreement (reference: CE2001/2756/O; Central Area Planning Sub-Committee meeting of 24th July, 2002). The current application encompasses phase 1, but in addition is for the remaining phases 2 and 3.

- 1.7 Vehicular access to all phases is indicated to be from Bullingham Lane with improvements to the Bullingham Lane/Ross Road and Ross Road/Holme Lacy Road/Walnut Tree Avenue junctions (to include traffic signalled control at the former). Pedestrian, cycle and emergency links would be provided from Hoarwithy Road and Bradbury Close. A bus-only link would be provided through the site between Hoarwithy Road and Bullingham Lane.
- 1.8 Existing mature planting at the edges of the site would be retained and enhanced where necessary. The illustrative drawings forming part of the masterplan indicate 10 local areas for play (LAP's) to be provided across the site and 3.17 ha of further open space to include a local equipped area for play (LEAP), a junior size equipped football pitch, and a multi-purpose play area. The open space would be divided into a principal 'park' at the centre of the site and broad amenity margins along the Bullingham Lane and Hoarwithy Road frontages.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG13	-	Transport
PPG17	-	Sport and Recreation
PPG24	-	Planning and Noise

2.2 Hereford and Worcester County Structure Plan:

CTC18	-	Development in Urban Areas
LR6	-	Public Rights of Way
LR10	-	Cycling Routes

2.3 Hereford Local Plan:

ENV7	-	Noise
ENV8	-	Contaminated Lane
ENV14	-	Design
H3	-	Design of New Residential Development
H4	-	Residential Roads
H5	-	Public Open Space Provision in Larger Schemes
H12	-	Established Residential Areas
CAL15	-	Long Distance Views
NC6	-	Criteria for Development Proposals
T11	-	Pedestrian Provision
T12	-	Cyclist Provision
R2	-	Deficiencies in Public Open Space Provision
R4	-	Outdoor Playing Space Standard
R5	-	Loss of Outdoor Playing Space
R6	-	Provision of Outdoor Playing Space
R8	-	Childrens Play Areas

2.4 Herefordshire UDP (Deposit Draft):

S1	-	Sustainable Development
S2	-	Development Requirements

S3	-	Housing
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
DR10	-	Contaminated land
H1	-	Settlement boundaries and Established Residential Areas
H2	-	Housing
H9	-	Affordable Housing
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H19	-	Open space requirements
T6	-	Walking
T7	-	Cycling
T8	-	Road hierarchy
RST1	-	Criteria for recreation, sport and tourism development
RST3	-	Standards for outdoor playing and public open space
RST4	-	Safeguarding existing open space
RST5	-	New open space in/adjacent to settlements
CF2	-	Foul drainage
CF5	-	New community facilities
CF9	-	Community facilities at Bradbury Estate, Hereford

2.5 Supplementary Planning Guidance:

Bradbury Estate Hereford Development Option – November 2000

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) - Committee resolution to grant planning permission subject to Section 106 Agreement 26th June, 2002.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency: No objection subject to conditions.
- 4.2 Environment Agency: Support recommendations made in the ecological report for the ecological enhancement of the site.

Regarding the contamination survey - the complexity of the various land-uses at the site makes an assessment of contamination difficult. In addition, it is quite possible that during the redevelopment additional areas of contamination will be identified. The Draft Remedial Action Plan provides an acceptable method statement for dealing with contamination identified in the contamination survey and further potential unidentified contamination.

- 4.3 Herefordshire Nature Trust: Recommends conditions.
- 4.4 Railtrack: Recommends informative notes.
- 4.5 Open Spaces Society: Development should not block un-extinguished former rights of way across site, if any. The cycleways should be a shared segregated cycle route, both for pedestrians and cyclists.
- 4.6 Sport England: Has considered the application in the light of its Playing Fields Policy. This policy aims to ensure that there is an adequate supply of playing fields and quality pitches to satisfy the current and estimated future demands for pitch sports. The policy identifies five exceptions to our normal position of opposing development, which would result in the loss of playing fields.

Sport England considers that none of the exceptions identified in the policy have been addressed and satisfied by the applicant in the submission. Playing fields under threat should wherever possible be protected from development as they provide a valuable local amenity resource. As no suitable alternative replacement facility has been put forward to offset the loss, the proposal has not been justified as exceptional circumstances.

In these circumstances Sport England makes an objection to the planning application on the grounds that there will be a loss of a playing field.

- 4.7 Herefordshire NHS Primary Care Trust: Keen to have health care accommodation on the overall camp site. South Wye is an area of particular health need, and with the exception of the Ross Road Clinic (already at full capacity), there are no bases for providing services in the area.

Public surveys as part of the South Wye regeneration project have identified the high priority which local people give to having better local access to health. Discussions with the local residents have received keenness for such facilities to be appropriately linked with general community accommodation there.

Preference would be for purpose-built health clinic rooms which could be used by GPs and a range of other health workers.

Object to the application unless satisfied that the health needs of the additional population can be met, which is likely to require the ability to establish additional primary and community health service facilities in the area of the development.

The PCT report concludes as follows:

"The PCT would have grave concerns about the ability to provide an appropriate level of service to the population of the new development given the lack of community and primary care facilities in the area at present. There is also already significant demand on existing services and no scope at present to develop new facilities. While it is recognised that not all the population would be new to Hereford City - some residents would relocate from other areas - the potential impact on demand in an area where service provision is already stretched should not be underestimated."

Internal Council advice

- 4.8 Head of Engineering and Transportation: No objection in principle subject to conditions and planning obligation. Conditions must include details of means of controlling emergency/cycle accesses to prevent their use by general traffic, and layout of the overall site. Also, expect the infrastructure for bus access on to the site to be provided as part of the development as difficult to provide retrospectively.

From a safety standpoint, a pedestrian crossing should be provided on the A49 nearby Bradbury Close.

- 4.9 Head of Environmental Health and Trading Standards: Recommend conditions covering railway noise, noise from on-site activities and contaminated land.

- 4.10 Chief Conservation Officer: Quality trees on the site should be retained. Slow worms on the railway embankment should be protected by way of a buffer zone. No vegetation clearance should take place during the bird nesting season (March to August). Archaeological excavations are now taking place in the areas identified through initial evaluation. Recommend conditions.

- 4.11 Head of Policy and Resources - Education: Projections of pupil numbers suggest that there will be sufficient space in the existing schools south of the river to cater for all primary aged children from the new housing. However, there will be more secondary aged children - funding for two permanent classrooms for the entire camp site is required to make up the projected deficiency.

- 4.12 Leisure Services Manager: At the current proposed level of open space, best use would be for informal recreation and play space. A MUGA (Multi Use Games Area) and NEAP (Neighbourhood Equipped Area of Play) together with the increased percentage for informal recreation and a careful planting scheme would best serve the immediate community. Proposed LAPs (Local Areas of Play) within the housing areas, providing safe play spaces for younger children, and proposed linear park areas and buffer planting will enhance the site and provide amenity value.

The MUGA, NEAP and LAP should be appropriately equipped by the developer, and maintenance costs met through Section 106 Agreement.

- 4.13 Head of Strategic Housing Services: The developer has agreed to 36% affordable housing provision in accordance with SPG. The developer is also aware that the housing must be delivered without public subsidy. Provision should be phased throughout the development. Phasing and form of housing should be controlled through a Section 106 Agreement.

5. Representations

- 5.1 Hereford City Council: Serious reservations concerning the density of the proposed development and concerns were seriously expressed about the potential impact on road traffic and public transport.

- 5.2 Lower Bullingham Parish Council: Summarised as follows:

- severe traffic congestion along Ross Road, B4399 Holme Lacy Road and Hoarwithy Road. A new traffic count should be taken to assess impact;

- likely problem with foul-water disposal. As far as the Parish Council knows there have been no substantial improvements in foul drainage for many years along the Holme Lacy/Ross Road and city system. Already south of the river some extra 500 houses have been built still using the same system (some with holding tanks). New development should couple to large main in Goodwin Way (linking straight to Rotherwas or Eign Works);
- site requires a quality development with social benefits, amenity, playing fields, and adequate infrastructure;
- application is premature.

5.3 Representations have been received from 8 nearby residents and 'Rail for Herefordshire' summarised as follows:

- traffic generation and congestion;
- social and community facilities required south of the river;
- flooding as a consequence of additional development;
- inconvenience to users of Bullingham Lane/A49 junction;
- adequate screening should be provided/retained at edges of site;
- other uses more appropriate - e.g. prison, refugee centre, etc;
- disturbance to wildlife and trees;
- change in levels between site and Web Tree Avenue leading to loss of privacy unless screened;
- public transport infrastructure must be provided before houses are occupied;
- contribution should be made towards Rotherwas Relief Road.

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

6. Officers Appraisal

6.1 The main issues relevant to the consideration of this application are the principle of the proposed development, the general layout of the scheme (including public open space provision), access and traffic generation, infrastructure provision, wildlife, affordable housing, and other consequences of the development.

6.2 An important material consideration is the earlier Sub-Committee resolution to grant planning permission for phase 1 of this current application. Phase 1 forms an integral part of the 'Master Plan' for the site, phases 1, 2 and 3 being inextricably linked.

6.3 Principle of Development

In November 2000 the local planning authority published the Bradbury Estate Hereford Development Options Report (BEHDO) for the entire camp site. The purpose of the BEHDO was to assess the current land uses within the estate and to consider redevelopment options to be incorporated in the emerging UDP. The BEHDO envisages redevelopment to provide a 'mixed use development comprising predominantly housing, but also including private and public open space, neighbourhood/community facilities, employment uses and a graveyard'.

6.4 The camp is shown as 'white land' in the Hereford Local Plan, and is 'brownfield' for the purposes of PPG3. It is surrounded on three sides by residential development defined as Established Residential Areas in the Hereford Local Plan. Having regard to

the location essentially within an Established Residential Area, no objection is seen to redevelopment of the overall site for predominantly residential purposes.

- 6.5 In September 2002 the Council published the Herefordshire UDP (Deposit Draft). The site is defined as a Proposed Housing Site in this document with an estimate of 400 residential units to be provided in two phases during the Plan period (Policy H2). Additionally, Policy CF9 expects an appropriate area of land and/or buildings for community facilities, and Policy RST5 expects new public recreational, amenity and open space uses.
- 6.6 The overall camp site covers 20.5 ha of which 3.2 ha is proposed to be open space and 1.2 ha community/health land uses and a possible site for extra care housing. 14.2 ha is proposed for housing this equating to some 426 – 568 dwellings based on densities of 30 – 40 dwellings to the hectare. PPG3 advises that local planning authorities should seek to avoid development with densities less than 30 units to the hectare and encourage higher densities where appropriate (for example, where there are good links to public transport). The site is in a location with a reasonable level of public transport provision and, therefore, development at a higher density is considered appropriate. Notwithstanding the proposed UDP allocation, development at a density of 35 units to the hectare would result in a approximately 500 units.
- 6.7 No industrial development is proposed as referred to in the BEHDO. The lack of any on-site provision is not considered to be an overriding issue having regard to the proximity of Rotherwas and the likely adverse impact of commercial traffic generation in a residential area.

6.8 General Layout (including public open space provision)

The application is in outline form with all matters reserved. The Master Plan and Design Framework do, however, include illustrative layout drawings. The Design Framework being the most recent document indicates residential development over the larger part of the site, although with central and marginal areas of open space totalling 3.2 ha. Three principal roads would enter the site from Bullingham Lane with pedestrian/cycle/bus/emergency access only from Hoarwithy Road. This access arrangement differs from that shown on the original Master Plan stemming from the results of the TA – see paragraph 6.12 below.

- 6.9 Public open space provision comprises a 1ha formal central park and 1.45 ha informal/'sport' recreational area (including the MUGA) to its south side. Further green corridors would be provided adjacent to Hoarwithy Road, Bullingham Lane, and the railway totalling approximately 0.72 ha. Applying the NPFA six acre standard as set out in Policy R4 of the Local Plan (which requires 2.43 ha of open space per 1,000 residents), 3.2 ha of open space is sufficient for 500 units (1180 residents at 2.36 persons per unit require a minimum of 2.9 ha of open space).
- 6.10 The open space would include a MUGA (at the request of the Parks Officer) and a LEAP, and an additional 10 toddlers play areas (LAPs) would be provided within the residential areas in accordance with Policy H5.
- 6.11 Sport England have raised objection to the development in view of the loss of existing playing fields on the military base. There is presently 5.5 ha of private open space on the base of which approximately 1.85 ha is playing fields. Policy R5 of the Local Plan states that development proposals which would lead to the loss of private playing fields will only be permitted in exceptional circumstances having regard to, in particular,

whether sports and recreation facilities can best be retained and enhanced through the development of a small part of the site (particularly where there are improvements to public access) and the availability of nearby alternative public and private play space. In this case the proposal is to provide public open space which is more than adequate in area to meet the needs of the proposed development itself. To meet a recognised shortfall in playing field provision in the wider locality the proposal includes the LEAP and MUGA (and a community building – see paragraph 6.28). Having regard to the historic lack of access to the military base, these public open space and playing field provisions are considered to be a significant gain, overriding Sport England's objection to the development.

6.12 Access and Traffic Generation

As a former military base there are no public rights of way into or across the site. A new network of roads, cycleways and pedestrian routes would be provided as part of the development. All vehicular traffic would access the site from three junctions with Bullingham Lane. Pedestrian, cycle, bus and emergency access would be provided from Hoarwithy Road only. Pedestrian, cycle and emergency access would be provided from Bradbury Close.

6.13 To accommodate additional traffic from the development on the wider road system, an upgraded traffic-signalled junction is proposed at the junction of Bullingham Lane and the A49(T) (with south-bound bus lay-by and service road access repositioned). Additionally, modifications are proposed to the A49(T)/Walnut Tree Avenue/Holme Lacy Road junction through some widening and introduction of traffic islands. Improved pedestrian/cycle routes would be provided from the site to the A49(T) along Bullingham Lane and on the A49(T) (including crossing facilities as part of the new traffic-signalled junction). A central island would be provided close to the junction of Bradbury Close with the A49(T).

6.14 A Traffic Assessment has been carried out as part of the application process which concludes that there are no highway safety issues arising from the proposed development subject to the off-site works described above. Specifically the TA concludes the following:

- “a) The proposed site accesses to Bullingham Lane are in accordance with the appropriate design standards and have been shown to function satisfactorily in the assessment year.
- b) The A49(T) Ross Road/Bullingham Lane junction will function satisfactorily without capacity modification with up to 265 dwellings in use on the site. With the proposed capacity modifications presented this junction will function satisfactorily with 500 dwellings in use on the site in the 2022 assessment year. Improvements at this junction for pedestrians have been identified and are proposed to be implemented before any dwellings on the site come into occupation.
- c) The A49(T) Ross Road/Holme Lacy Road junction, with proposed modifications, will function without detriment in the assessment year. Indeed, the proposed development, and associated junction improvement proposals, will improve conditions at this junction for all road users. The proposed junction modifications will become necessary after more than 160 dwellings are occupied on the site.

- d) The existing Holme Lacy Road/Hoarwithy Road junction will function satisfactorily in the assessment year.”

The Highways Agency and this Council's Transportation Manager broadly concur with these conclusions, subject to the off-site works being completed prior to the occupation of the 161st dwelling on the site and further contribution through a Section 106 Agreement relating to pedestrian, cycle and bus facilities. Conditions are recommended accordingly.

6.15 Pedestrian, Cycle and Bus Facilities

Both PPG3 and PPG13 emphasise the importance of integrating decisions on planning and transport in order to reduce the need for travel by car. The TA addresses this particularly important issue in some detail proposing the following:

- a) New signal-controlled pedestrian facilities at the A49(T) Ross Road/Bullingham Lane junction, encouraging pedestrian access to bus services on Ross Road and benefiting existing residents as well as those of the proposed development;
- b) Provision of new pedestrian and cycle facilities on Bullingham Lane;
- c) Pedestrian and cycle linkages to Hoarwithy Road, providing access to local facilities and to bus services on Hoarwithy Road;
- d) Pedestrian and cycle linkage to Bradbury Close, providing access to local facilities and a convenient route to Hereford city centre;
- e) Provision of a new pedestrian refuge on the A49(T) Ross Road south of Bradbury Close, benefiting existing residents as well as those of the proposed development;
- f) Provision of a new bus stop with shelter on the site frontage to Hoarwithy Road 50m north-west of Winston Road;
- g) Complementary 12-month bus passes for owners/occupiers of new dwellings for travel within the City of Hereford.

6.16 These proposals are commendable insofar as they relate directly to the site. However, to achieve full integration and to fulfil the principles of sustainability, further measures are considered reasonable and necessary, and to this end the applicant has agreed to the following over and above the TA conclusions:

- a) Financial contribution towards 'Safer Routes to School' between the application site and Haywood High and Blackmarston Schools (to include walk/cycle links, lighting, signage and surfacing improvements, traffic calming and contributions towards study costs);
- b) Financial contributions towards improved walk/cycle links to city centre and Rotherwas;
- c) Financial contribution towards a new 'toucan' crossing on Holme Lacy Road in the vicinity of the Co-op store.

- 6.17 With specific regard to bus services, the Master Plan proposes a bus only link across the centre of the site from Bullingham Lane to Hoarwithy Road with a new central stop. The applicant does not propose to provide, or subsidise, a new or diverted bus service (see paragraph 6.18), although it is intended to provide the necessary infrastructure if required. The applicant is proposing to fund bus passes for the owners/occupiers of the new dwellings (this equating to some £250,000 at current prices), and would not object to this sum being used to subsidise a bus service through the site as an alternative. This is considered a reasonable approach to dealing with the issue of bus services, and the two options can be tabled in a Section 106 Agreement.
- 6.18 The TA addresses the issue of existing bus services noting in particular that the majority of houses on the site would be within 400m of existing and proposed bus stops on Hoarwithy Road and Ross Road where frequent services run. The Institute of Highways and Transportation's Guidelines for Planning for Public Transport in Developments recommend that the maximum walking distance to a bus stop should not exceed 400m. Although this figure is largely achieved, it could be improved by bus penetration into the site, possibly through diversion of existing services. This is a matter which requires further examination at the detailed application stage although the commitment now by the applicant to provide the infrastructure is welcomed.
- 6.19 Regarding the further pedestrian/cycle link contributions, these are also supported, in particular those relating to Safer Routes to School. The complete package of highways works and improvements are considered to be both appropriate and relevant to the development proposed, in accordance with legislation.

6.20 Infrastructure Provision

An Infrastructure Assessment has been provided for the entire site. In the main, new on-site infrastructure would be provided and basic services (electricity, gas, water) are within capacity. More specifically, Hyder have confirmed that adequate capacity exists within the 300mm public sewer in Hoarwithy Road to cater for foul water discharge from the full development.

- 6.21 With regard to surface water, the Infrastructure Assessment calculates that the peak surface water discharge rate from the site would exceed the capacity of the culverted water course in Hoarwithy Road. Various solutions to this are presented including balancing ponds, underground storage tanks and permeable pavements which would 'hold' the excess water for later controlled release. In theory these are acceptable solutions to the capacity issue, and can be controlled by planning condition. There is adequate space on the site to accommodate balancing ponds/tanks.

6.22 Wildlife

A full Ecological Appraisal has been carried out which concludes that habitats present within the site are of low to negligible value offering no significant constraint to redevelopment. Slow worms are present in the vicinity of the railway embankment and conditions are recommended for their future protection in particular.

6.23 Affordable Housing

The Council's SPG 'Provision of Affordable Housing' sets a target of 36% provision on large sites (25 units or more) such as this. The applicant is agreeable to meeting this target with a mix of RSL/low cost market affordable housing. With a development of 500 units the number of affordable units would be 180.

6.24 Government guidance on affordable housing in Circular 06/98 sets out the requirement for Local Plans to include policies for affordable housing on suitable sites. The Circular does not, however, specify the form the affordable housing should take. Notwithstanding this, the Section 106 Agreement relating to the Phase 1 application has been drafted on the basis of a 50/50 split between RSL provided affordable housing and low cost market housing. It is considered that it would be entirely reasonable to apply this ratio to the current application affecting the whole site.

6.25 Other implications of the Development (Section 106 Agreement)

The applicant has agreed to the principle of providing affordable housing, carrying out off-site highways works (or making contributions to such works), providing open space (including the MUGA) and 'gifting' bus passes to the occupiers of the development (or contributing finance towards a bus service). Additional implications of the development are the impact of further children on school facilities, the impact on local health care provision, the provision of more general community facilities and cemetery accommodation.

6.26 Regarding school facilities, the Council's Education and Policy and Resources Officer has calculated that the overall proposal is likely to result in a requirement for two additional classrooms at nearby schools. As a consequence it is considered reasonable that the applicant should fund these classrooms.

6.27 In relation to health care facilities, the Herefordshire NHS Primary Care Trust raises objection in view of the impact of the development on local health care provision. The applicant is unwilling to fund such provision although would be agreeable to land and/or buildings being provided as part of an overall community facility. This is considered to be a reasonable approach to dealing with this matter, providing a starting point for the Trust from which accommodation could be provided for the benefit of the wider community.

6.28 The applicant has agreed to provide land and/or buildings for community use. The revised preference of the local residents group, the Putson Residents Association, is for a new purpose-built community hall with access from Hoarwithy Road. The applicant is willing to provide, or contribute towards, such a facility and a clause can be included in the Section 106 Agreement accordingly.

6.29 The BEHDO sets out a requirement for a new graveyard within this area in association with St Martin's Church which could be provided on part of the overall camp site. The applicant is willing to contribute towards this provision and a clause can again be included in the Section 106 Agreement.

6.30 Other matters, including contamination, archaeology (the site is in the process of being investigated) and landscaping would be covered by conditions.

6.31 Conclusion

Phase 1 of this proposal effectively has planning permission stemming from the earlier Sub-Committee decision. This application is for the entire site including phase 1.

6.32 The proposal is essentially to create a new community within the existing community with all the facilities necessary to achieve sustainable integration. In addition to the well-planned and equipped new development on the site itself (to include mixed housing, open space, sports facilities and a community building), the applicant also

proposes to carry out considerable off site works and/or contribute to other off site works relating to highway improvements, education provision, safer route to school, cemetery space and pedestrian/cycle links to other parts of the city. Having regard to the brown field status of the site and the acceptability of the development package in all respects, approval is recommended subject to the applicant entering into a Section 106 planning obligation.

6.33 Attached to this item is an annex setting out the terms and financial implications of the planning obligation.

RECOMMENDATION

1 The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 requiring the applicant to provide:

- (i) 36% of the housing units as affordable housing of which a minimum of one half to be provided through a Registered Social Landlord (and a minimum of two thirds of this 'half' to be for rent), all appropriately phased throughout the development;**
- (ii) a financial contribution towards the provision of additional education facilities at the local schools;**
- (iii) complimentary bus passes for owners/occupiers of the residential units for the first year of occupation and/or a financial contribution towards a bus service/re-routed service on the site;**
- (iv) the provision of open space to include the LEAP, MUGA and 10 LAP's together with a financial contribution towards maintenance costs for the next 10 years;**
- (v) the provision of a serviced and equipped community building and associated facilities (access, parking, landscaping) or a financial contribution and land for the provision of such a facility;**
- (vi) a financial contribution towards the cost of providing safer routes to school facilities and improved pedestrian/cycle links within the vicinity of the site (to include a toucan crossing on Holme Lacy Road);**
- (vii) a financial contribution towards cemetery provision within the City.**

And deal with any other appropriate and incidental terms, matters or issues.

2 Upon completion of the aforementioned planning obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:

1 Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

- 2 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 4 Plans and particulars of the reserved matters referred to above relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5 The development shall be carried out in all respects strictly in accordance with the approved plans except where otherwise stipulated by conditions attached to this permission.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 6 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure that the materials harmonise with the surroundings.

- 7 No development shall take place until the applicants or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.**

Reason: To ensure the archaeological interest of the site is recorded.

- 8 The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of 5 days' written notice of the commencement date of any works forming part of the development shall be given in writing to the County Archaeology Service.**

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

- 9** The hours during which site plant and machinery may be operated shall be restricted to 8.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality.

- 10** The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 8.00am and 6.00pm Mondays to Fridays and 8.00am and 1.00pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality.

- 11** No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works and surface water run-off limitation has been submitted to and approved in writing by the local planning authority. Such scheme shall be implemented before the first use of the development hereby approved.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 12** There shall be no, direct or indirect, discharge of surface water to the public foul sewer.

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

- 13** No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution.

- 14** No phase of the development hereby approved shall commence until the scheme to deal with contamination of the site set out in the Remedial Action Plan - Bradbury Lines, Hereford (Document: 20971 rap2) dated September 2003 ("the Plan") has been implemented in accordance with the Plan to the satisfaction of the local planning authority. Following completion of de-contamination of each phase the applicant shall notify the local planning authority in writing prior to discharge of this condition as it affects the particular phase. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the Plan then details shall be submitted in writing to the local planning authority prior to decontamination works taking place.

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority.

- 15** Prior to the commencement of each phase of the development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings

approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 16 No phase of the development hereby approved shall be occupied until a landscape design has been submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 17 The landscaping scheme approved under condition 16 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 18 The landscaping scheme required by condition No. 16 above shall include the following:

(a) Full details of all existing physical and landscape features on the site including the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.

(b) Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.

(c) Full details of all protective measures to prevent damage during the course of development to trees and other features to be retained.

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

- 19 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner,

for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual and residential amenity.

- 20 (a) The detailed siting and layout plans to be submitted under condition no. 4 shall include provision of a single area of public open space (the "Central Area") to be a minimum of 2.45 ha in area (to include a suitably equipped Locally Equipped Area of Play and a Multi-Use Games Area), other open areas/corridors to be a minimum of 0.72 ha; and a minimum of 10 suitably equipped toddlers' play areas (each a minimum of 0.2ha in area in accordance with the standards adopted by the local planning authority).

(b) The Central Area and other open areas/corridors shall be provided and equipped for use in accordance with the approved siting and layout plans prior to the occupation of any part of phases 2 and 3 of the development or in accordance with a programme to be agreed in writing with the local planning authority. The first toddlers play area shall be provided and equipped prior to the occupation of the 50th dwelling, and subsequent toddlers play areas shall be provided and equipped after the occupation of each subsequent block of 50 dwellings or in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To ensure the proper planning of the development in accordance with the Master Plan and ensure a phased and adequate standard of amenity for the development.

- 21 (a) A minimum of 36% of the dwellings hereby approved shall comprise affordable housing.

(b) One third of the total affordable housing shall be provided in each of the three phases of the development unless otherwise agreed in writing with the local planning authority.

(c) Within each phase of the development no more than 60 of the open market dwellings shall be occupied prior to the completion of the affordable housing unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory housing mix and to accord with local and national planning policy.

- 22 (a) The detailed siting and layout plans to be submitted under condition no. 4 shall include a new community building (the details of which are to be agreed in writing by the local planning authority) and access thereto from Hoarwithy Road on a site to be a minimum of 1 ha in area.

(b) The new community building and access thereto shall be provided and equipped for use in accordance with the approved details prior to the occupation of the 240th dwelling.

Reason: To ensure the proper planning of the site in accordance with the Master Plan and the policies for the provision of community facilities.

- 23 Prior to the commencement of Phase 3 of the development a reptile mitigation strategy that includes details of the timing, methodology, reptile fencing and personnel responsible for slow worm translocation shall be submitted to and agreed in writing by the local planning authority. The strategy must include all details of the proposed slow worm corridor alongside the railway line including its protection during construction and its future management including the construction of an artificial reptile hibernaculum. The strategy shall be implemented as approved prior to the commencement of Phase 3.

Reason: To protect the nature conservation interest of the site.

- 24 Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 25 The development shall not be occupied until the roadworks necessary to provide access from the nearest publicly maintained highway have been completed in accordance with details submitted to and approved in writing by the local planning authority.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 26 All roadworks shall be completed within a period of 2 years or other period agreed in writing from the commencement of work on the site, or within 6 calendar months of the substantial completion of 75% of the dwellings hereby approved if this is sooner. This will entail the making good of surfacing, grassing and landscaping in accordance with a specification submitted to and approved in writing by the local planning authority. (Nothing in this condition shall conflict with any phasing scheme, in which respect it will be interpreted as applying to the particular phase being implemented).

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

- 27 Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 28 Before any other works associated with any particular phase of the development hereby approved are commenced, the construction of the vehicular access(es), footway/cycleway improvements to Bullingham Lane, and pedestrian links and pedestrian crossing refuges associated with the particular phase shall be carried out in accordance with drawing no. HSL00466 - Fig 3 with the Traffic Assessment

dated August 2002, and in accordance with a specification to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

- 29 The highway improvements shown on drawing no. HSL00466/005/Revision C, entitled Proposed Improvements to Ross Road/Bullingham Lane Junction and dated 27-05-03 shall be certified as completed in full by the Local Planning Authority in consultation with the Highway Authority prior to the occupation of the 161st dwelling within this development. Minor Amendments to this drawing may be made at the discretion of the local planning authority in consultation with the Highway Authority; these amendments can only be given effect if endorsed in writing by the local planning authority in consultation with the Highway Authority.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 30 The improvements to the Ross Road/Bullingham Lane junction will include the provision of traffic signal control equipment and the necessary telecommunication works to ensure that this junction can be operated either as an efficient stand-alone junction or as part of a wider co-ordinated network.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 31 The highway improvements shown on drawing no. HSL00466/024/Revision B, entitled Ross Road/Holme Lacy Road/Walnut Tree Avenue Junction Improvements and dated 22-05-03 shall be certified as completed in full by the local planning authority in consultation with the Highway Authority prior to the occupation of the 161st dwelling within this development. Minor amendments to this drawing may be made at the discretion of the local planning authority in consultation with the Highways Authority; these amendments can only be given effect if endorsed in writing by the local planning authority in consultation with the Highway Authority.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 32 The improvements to the Ross Road/Holme Lacy Road/Walnut Tree Avenue junction will include the provision of traffic signal control equipment and the necessary telecommunication works to ensure that this junction can be operated either as an efficient stand-alone junction or as part of a wider co-ordinated network.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 33** Means of vehicular access for construction traffic to the development hereby approved shall be from Bullingham Lane only.

Reason: In the interests of highway safety and to safeguard residential amenity.

- 34** Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety.

- 35** The detailed siting and layout plans to be submitted under condition no. 4 shall include full details of the bus link through the site including specification of construction and, if required, means of controlling access from Hoarwithy Road. The bus link shall be constructed as approved in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To ensure the proper planning of the development in accordance with the proposed scheme.

- 36** There shall be no vehicular access(es) between the site and Hoarwithy Road other than for pedal bikes, buses and emergency vehicles in the event of an emergency, and to exclusively serve the community building. The reserved matters shall include details of the intended means of ensuring that there will be no vehicular access between the site and Hoarwithy Road; and these works shall be carried out as approved prior to the commencement of building works on the site or in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To accord with the terms of the application and safeguard highway safety.

- 37** There shall be no vehicular access between the site and Bradbury Close other than for pedal bikes and emergency vehicles in the event of an emergency. The reserved matters shall include details of the intended means of ensuring that there will be no vehicular access between the site and Bradbury Close; and these works shall be carried out as approved prior to the commencement of building works on the site.

Reason: To safeguard residential amenity.

- 38** There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within:
- a) 5m of the top of any bank or watercourses; and/or
 - b) 3m of any side of an existing culverted watercourse,

inside or along the boundary of the site, unless agreed in writing by the local planning authority.

Reason: To enable access to be maintained to the watercourses for maintenance or improvement purposes, and to provide for overland flows.

- 39 Prior to the commencement of phase 3 details of measures to protect those dwellings affected by noise disturbance from the railway line shall be submitted for approval in writing by the local planning authority. The details shall be carried out as approved prior to occupation of the affected dwellings.

Reason: In the interests of residential amenity having regard to the information contained in the Railway and Road Traffic Noise Assessment dated October 2001.

- 40 The detailed siting and layout plans to be submitted under condition no. 4 shall include a plan (to be entitled "Affordable Housing") for each phase appropriately coloured to show exclusively the affordable housing (a different colour to be used for the Discounted Low Cost Housing and RSL Housing). Ultimately at completion of the entire development a single plan for the whole site, again appropriately coloured, shall be submitted to show exclusively the affordable housing.

Reason: To clarify the location of all housing on the site and to ensure future certainty as to the specific location of the affordable housing.

- 41 (a) The detailed siting and layout plans to be submitted under condition no. 4 shall include details of the retail use, to comprise a Local Centre.

(b) The retail use shall be provided and equipped in accordance with the approved details prior to the occupation of the 60th dwelling in Phase 3 of the development or in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To accord with the terms of the application and to ensure the proper planning of the development.

[After 5th December 2003 all reasons for conditions to refer to Development Plan policy].

Notes to Applicant:

- 1 Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.
- 2 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 3 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

- 4 Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.
- 5 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.
- 6 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor (South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
- 7 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact Mr. R.J. Ball, Lead Planner (Transportation), PO Box 236, Hereford, HR4 9ZH to progress the agreement.
- 8 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 to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA. 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.
- 9 It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, Herefordshire Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA at an early date to enable surface water disposal arrangements to be assessed.
- 10 Reference in any condition to phasing, or phases, relates to the "Design Responses - Land Division" plan forming part of the Design Framework. For clarification, this divides the site into three phases - area 1; areas 2a, 2b and 2c; and 3b.
- 11 If you have any queries regarding the archaeological interest of the site or the requirements of the conditions relating to archaeological work, please contact Herefordshire Archaeology, Planning Services, Town Hall, St. Owen Street, Hereford (Tel: 01432-383351).
- 12 Slowworms are a protected species under the terms of the Wildlife and Countryside Act 1981. It is an offence to harm or kill a protected species or its habitat. The applicant is advised to contact English Nature regarding measures

required to protect the species and any license requirements to carry out works close by.

- 13 For the purposes of condition no. 41, the term "Local Centre" is defined as a small grouping of local convenience shops as referred to in Annex A of PPG6".

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.