

**DCCE0009/0950/F - PROPOSED AMENDMENT OF 39 PREVIOUSLY APPROVED RESIDENTIAL DWELLINGS AND THEIR ASSOCIATED PARKING TO 48 RESIDENTIAL DWELLINGS CREATING AN ADDITIONAL 9 DWELLINGS AND THEIR ASSOCIATED PARKING AT LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY**

**For: Taylor Wimpey per Focus on Design, The Old Brewery, Lodway, Pill, Bristol, BS20 0DH**

**Date Received: 8 May 2009**

**Ward: St. Martins & Hinton**

**Grid Ref: 51125, 37966**

**Expiry Date: 7 August 2009**

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

### **Introduction**

This application was considered by the Central Area Planning Sub-Committee at its meeting on the 22<sup>nd</sup> July 2009 when Members resolved to refuse planning permission contrary to the recommendation of the report.

This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

In the debate, Members were particularly concerned about the increased density of the development and the manner in which the total number of units has incrementally increased across the site as a whole over the last 4 years or so. They commented on the quality of the scheme in terms of the design of the houses and problems that have occurred within phase 2 where they felt there had been insufficient parking and the roads were very narrow. Particular reference was made to policy H15 and that the higher density figure of 50 dwellings per hectare for town centre sites referred to in this policy was being exceeded and the site was not a town centre site.

In summary, Members considered the density of the proposed development to be unacceptably high and that the development is contrary to policy H15 of the Unitary Development Plan (UDP).

Since the decision to refuse the application, the applicants have considered the concerns of the Committee and the reason for refusal. As a result, the proposed development has been amended through the deletion of 3 dwellings.

### **Summary Position**

The application seeks permission to re-plan part of phase 3 of the previously approved residential development on the former SAS camp off Bullingham Lane. Reserved matters approval was granted on 19<sup>th</sup> August 2008 for phase 3 comprising 151 units taking the total for the site up to 608. Part of this approval has been implemented and completed. The UDP

allocation was 500 units in the first deposit draft; this followed the 2001 outline permission for the site as a whole which estimated numbers at 500. However, the outline permission was not restricted in numbers. This was subsequently increased to 600 units in the adopted UDP following representations by the developer.

This application including the recent change retains the total number of units at 608. The overall density across phase 3 would change from 47 dwellings per hectare to 54 dwellings per hectare. The higher density is essentially as a result of revised phase 3 developable areas being smaller due to full planning permission having been granted earlier this year for a residential care home on the site of 14 units. Therefore, in respect of the current application site, the approved permission permits 39 units and the developer now seeks permission for 48 units.

#### Committee Reason for Refusal

Policy H15 is a guideline density and comments that density should be informed by the characteristics and context of the area along with public transport accessibility. The guideline density set by the policy is 30-50 dwellings per hectare on town centre and adjacent sites and at least 30 dwellings per hectare on other sites.

The density of previously approved and built phases will not be discernibly different to that now proposed in terms of dwelling sizes, garden sizes, property to property distances, road widths and parking provision. There is no reduction in the areas of open space, sport and recreation facilities and the increased number of units and the associated population still satisfies the requirements of policy H19 concerning open space, play and sports provision on residential developments. All other previously agreed Section 106 requirements are met (affordable housing, community infrastructure contributions). Parking provision exceeds the policy H16 requirement of a maximum of 1.5 spaces per unit and the strategic road infrastructure is not proposed to be changed under the current application. The designs are relatively 'standard' but are essentially the same as has been previously approved and the materials are the same.

#### Conclusion

In pure number terms, the density is materially higher than has been previously approved elsewhere on the development (except where flats have been approved). However, given the fallback position allows the developers to complete the development at a density that in real terms, will be similar in character and appearance to that now proposed, and given the thrust of UDP policy and advice in Planning Policy Statement 3 is to make efficient use of brownfield land in sustainable locations, it is considered the Council would have difficulty defending the application at appeal. In view of this the application is referred to this meeting for further consideration.

The original report to the Central Area Planning Sub-Committee follows incorporating updates reported verbally to the Central Area Committee. Due to the late receipt of the amended plans, with the exception of the description of the application, the report has not been updated in light of the deletion of 3 dwellings other than as explained above. The recommendation remains for delegated authority subject to comments from the Traffic Manager on the latest amended plans. As the number of dwellings is no longer increasing above that previously approved, no Section 106 is required and the Heads of Terms has also been deleted from the original report.

## 1. Site Description and Proposal

- 1.1 The site is located on the southern edge of the city accessed off Bullingham Lane to the west and borders Hoarwithy Road to the northeast and the railway line to the south. The site comprises part of the last phase (Phase 3) of the residential development of the former SAS camp at Bradbury Lines. Outline planning permission was approved in February 2005 for a mixed use development of the site. This permission superseded a planning permission in 2004 for Phase 1. Over the past five years or so several detailed permissions have been submitted and approved comprising Phases 1 and 2, all of which are now complete and occupied.
- 1.2 On the 19th August 2008 the final Reserved Matters permission was approved for the whole of Phase 3 comprising of further 151 1, 2, 3, 4 and 5 bedroom units and 2 bedroom apartments taking the total number of units for the site as a whole to 608. Phase 3B comprising 48 units is now constructed and the majority are occupied. Phase 3C is currently under construction and Phase 3D is yet to be implemented.
- 1.3 This application seeks permission to vary the Reserved Matters permission approved last summer relating to part of Phase 3C and all of Phase 3D. In addition, part of Phase 3D totalling 14 detached units also now has planning permission for a residential care home approved earlier this year. Therefore, the application proposes a variation of the layout, dwelling designs, types and sizes and an increase the density from the permitted 39 units to 51 units. There are no changes to the principal road layout and cycleways, the affordable housing provision, areas of public open space, formal play and sports provision or the community land that has previously been approved as part of earlier permissions.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR5 - Planning Obligations
- 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

## 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 19 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 10 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 2 June 2004.
- 3.4 DCCE2005/1230/RM Construction of 130 dwellings, provision of public open space and associated works. Approved 18 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 9 August 2005.
- 3.7 DCCE2005/1991/F Variation of Condition 29 of Outline Approval CE2001/2757/O. Approved 17 August 2005.
- 3.8 DCCE2005/3145/RM Provision of central area of public open space. Approved 22 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 8 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 15 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 26 October 2007.
- 3.12 DCCE2007/3860/RM A development of 151 dwellings consisting of 2, 3, 4 & 5 bedroom houses with 1+2 bedroom apartments (Phase 3). Approved 19 August 2008.
- 3.13 DCCE2009/0098/F Proposed development of residential/nursing home. Approved 9 March 2009.
- 3.14 DCCE2009/0142/F Proposed replacement of 9 residential dwellings and their associated parking (plots 49-51, 56, 61-63, 67 & 68 previously approved DCCE2007/3860/RM) with 14 residential dwellings to plots 49-51, 56, 61-63, 67, 68 & 500-504 creating an additional 5 dwellings and their associated parking. Resiting of the parking associated to plots 57 & 58. Approved 20 March 2009.

#### 4. Consultation Summary

##### Statutory Consultations

#### 4.1 Highways Agency:

##### Background

Outline planning permission was given for housing on the above site. The application indicated 500 dwellings, although no definitive ceiling or number was stipulated on the consent.

In 2005 the Highways Agency objected to two reserved matters applications for 424 dwellings, as it was evident from the reserved matters applications that the remaining site, if developed would bring the total number of dwellings up to 609 if developed at the same density. During further consultation and assessment work, the Highways Agency agreed that the trunk road network along with the agreed mitigation measures would be able to accommodate up to 609 dwellings on the site.

Subsequently, a reserved matters application for 152 dwellings (DCCE2007/2193/RM) was submitted and reviewed by the Highways Agency in August 2007. The Agency responded with no objection to the application as the total number of dwellings on the site only exceed the 609 dwelling threshold, agreed in the previous consent, by 1 dwelling, and all mitigation and drawings were also the same as those agreed with the previous application. This application was later withdrawn.

A further reserved matters application was submitted in December 2007 in relation to the erection of 151 dwellings (DCCE2007/3860/RM) at the site, to which the HA responded with no objection as the previously agreed mitigation measures were also included.

##### Current Development Proposals

It is understood that a parcel of land was sold for use as a care home, and consequently, the remaining plot has been 're-planned' to incorporate a higher density of dwellings to amount to a total of 611 dwellings at the Bradbury Lines site.

Highways Agency Planning Manager, Joanna Goulding's letter of 8 July 2005, in response to reserved matters applications DCCE2005/1130/RM and DCCE2005/1230/RM, stated the following:

"any development proposals above the threshold tested, i.e. 609 dwellings would require further investigation and is likely to be strongly opposed by the Agency."

It is the case that the number of housing units will increase to a total 611 dwellings, which is an increase of 2 above what was previously threshold tested, the Highways Agency would have no objection.

It must be noted though, that any development over and above this level will require further investigation, and consequently, it is likely that any planning application for the care home will need to assess its impact upon the Bullingham Lane signalised junction with the A49 trunk road."

#### 4.2 Welsh Water: No objection subject to conditions regarding foul and surface water disposal.

Internal Council Advice

- 4.3 Traffic Manager: No objection.
- 4.4 Conservation Manager (Landscape): No comment.
- 4.5 Strategic Housing Manager: No objection.
- 4.6 Children and Young People's Directorate:  
The educational facilities provided for this development are South Hereford City Early Years, St Martins Primary School, Hereford Academy High School and South Wye Youth. A contribution is requested to the enhancement of educational infrastructure at these facilities where capacity in all year groups does not exist (to include 1% for Special Education Needs).

**5. Representations**

- 5.1 Hereford City Council: No objection.
- 5.2 Two letters of objection has been received from Hereford Civic Society and Mr Heron of 9 The Hawthorns, the main points raised are:
- We find the proposed site overcrowded and overdeveloped and the intensification is unacceptable.
  - The extra dwellings means a loss of green space and a loss of the most green corridor.
  - There is a lack of community amenities.
  - The site may accommodate the need for car parking but seems to ignore the need for children's play areas.
  - Section 106 payments should go up by 20%.
  - This development is dated and unsustainable and the Civic Society hope this is the last example of this form of development in the City.
  - The developers advised that only 6 luxury dwellings were to be constructed to the rear of the Hawthorns when the properties were purchased, 24 dwellings are now proposed
  - The road to The Hawthorns is one of the smallest on the estate with parking problems and will have to cope with another 48 cars if this application is approved. An alternative or second access should be provided.

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 Both outline and reserved matters approvals now exist for the development as a whole including all of Phase 3 and the land the subject of this application. The total number of approved units is 608 with 151 being accommodated within Phase 3 and approved August 2008. Therefore, the principle of the development is established as is the general form of the layout in terms of the areas where housing is now proposed.

Density

- 6.2 The total number of units now proposed is 611, this being an additional 3 units over previous approvals. By virtue of the planning permission for the care home and the

dwellings lost as a result of this permission, an extra twelve units is now being accommodated on the area of land the subject of this application. As such, the total number of units on the application site has increased from 39 to 51. This equates to a density of just over 50 dwellings per hectare, which is above the approved density across Phase 3 as a whole which is around 45 dwellings per hectare, this being similar to Phase 2.

- 6.3 Policy H15 of the Herefordshire 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. Therefore, whilst the overall density and density of this part of the site is beyond the upper limits of that recommended by Policy H15, it is comparable with other phases now built across the site and will achieve a consistent character of development. Furthermore, the density of this application site can be higher as all the strategic infrastructure such as roads, public open space, play areas and other community facilities is or will be provided on adjoining land and other parts of the site. This therefore leaves a high developable area thus providing the ability to increase the density. Ultimately, however, the appropriateness of the increased number of units on the site must be assessed against the residential environment that is created in terms of the layout, housing scales, design, materials, parking and so on.

#### Highway Impact

- 6.4 The Highways Agency did not object to the previously approved application, which took the total number of units up to 608. Since then the A49/Bullingham Lane junction alterations required by the Agency have been completed which further increase the junction capacity. The Agency has again raised no objection to this application and has also confirmed that they have no objection to the proposed increase of 3 units taking the total up to 611.

#### Layout

- 6.5 The physical boundaries of the area proposed for development has not changed under this application to that which has been previously approved. As such, the layout is largely dictated by the built and approved road infrastructure, areas of public open space and adjoining community land. The general principles achieved across earlier phases of creating an outward facing development has been maintained with the revised proposal. All dwellings are designed and orientated to address roads, cycleways and public open space to create a sense of enclosure.

- 6.6 Parking is being provided through a mixture of on plot and small parking courts to the rear of, and overlooked by houses. Internal access roads have been downgraded to create a more informal appearance. Access via The Hawthorns has been previously approved and the Traffic Manager raises no objection to this notwithstanding the objectors concerns. The garden sizes are generally relatively small but are commensurate with the size of the dwellings now proposed and that, which has been approved elsewhere within Phase 3. All proposed properties will also be located within 150 metres of public open space. General amenity standards are not untypical of a higher density brownfield development and will be compatible with surrounding approved development.

#### Housing Mix

- 6.7 The applicant's desire to change the approved development arises principally from current market conditions. This being for modestly priced two and three bedroomed units as opposed to larger four and five bedroomed units. As a result, the majority of the four and all the five bedroomed detached units have been removed from this part

of the development and replaced with smaller two and three bedroomed properties. Across the site as a whole a broad mix of one to five bedroomed sized properties has been constructed and therefore it is not considered unacceptable to accommodate predominantly two and three bedroomed units on this part of the site.

- 6.8 The housing comprises a mixture of terraced, semi-detached and detached properties with a small number of flats above garages. Nearly all the properties are two storeys in height with the exception of four properties in the north-western corner, which are 2½ storeys. This is considered necessary to ensure an acceptable transition between the existing three storey flats and proposed development.
- 6.9 The affordable housing is being provided within other parts of Phase 3 and the 36% requirement set in the Section 106 is being achieved with a mixture of predominantly rented and a small amount of shared ownership tenure. Although the mix and balance of accommodation is not as varied as with the previous scheme, the need to provide affordably priced units particularly in the current economic climate is a material planning consideration.

#### Design

- 6.10 Eight different property designs are proposed with the predominant material being brick with some part and full rendered properties under pitched tiled roofs. Additional architectural interest is achieved through occasional half dormer detailing within the roof space and subtle changes to the fenestration and porch detailing. The designs are fairly typical of a development of this nature and given the same developer is involved, will largely follow that which has been constructed to date within Phase 3 and other parts of Phase 2.

A selection of street scene illustrations have also been provided which demonstrate sufficient variation and interest through subtle changes in the siting and orientation and the overall mass being broken up through the introduction of garages and variations in height. Continuity of design and architecture will be maintained through Phase 3 which given the context of the site, will achieve an acceptable residential environment.

#### Other Matters

- 6.11 Parking  
A minimum of two spaces (inclusive of garages) is being provided per unit. This parking ratio is above that required by Policy H16 of the Unitary Development Plan but is considered an appropriate provision given the location of the site on the edge of the City. Furthermore, 47 of the 51 units now proposed are two and three bedroom in size with only four being four bedrooms in size and therefore two spaces in general is considered acceptable. The bus service through the site is now also in operation which will provide a genuine and convenient alternative to travel by car. Further contributions have also been provided by the developer to enhance other sustainable access links to the site.

#### Section 106

- 6.12 All of the contributions required by the original Section 106 have now been paid in full and as highlighted above, the requirement for 36% affordable housing across the site as a whole has also been met.
- 6.13 The phase 3 planning permission approved last summer was subject to a further Section 106 Agreement in the form of a roof tax contribution associated with each dwelling above the original 500 unit estimation identified in the outline permission. A figure of £4,250 per residential unit was agreed. It has now also been agreed with the



applicants and the Planning Obligation Manager that this roof tax figure will also apply to the additional three units proposed as part of the development. The additional contributions being used towards the enhancement of off-site community infrastructure including education, sustainable transport, community building, graveyard capacity and sports and recreational facilities.

This roof tax figure is a significant increase on that which was achieved from the original S106 but is less than required by the Supplementary Planning Document on Planning Obligations (SPD) based on dwelling numbers. However, the revised proposals result in a reduction in bedroom numbers across Phase 3 from 445 to 395 and therefore the proposed roof tax figure, using the formulae within the SPD and based on bedroom numbers is considered acceptable.

#### Sustainability Measures

- 6.14 The whole of Phase 3 was required to meet the Eco Homes standard of Very Good and the required independent assessment confirming that that standard had been achieved has been provided by the developer. This standard increases the environmental credentials of the site considerably and particularly the energy efficiency of the houses. This standard will be maintained with the revised proposals.

#### Conclusion

- 6.15 The higher density form of the current proposals has not unacceptably compromised the final layout and appearance of the development or the residential environment that would be created in the context of the site and its surroundings, there is no loss of public or other green space, community facilities or affordable housing and the Section 106 requirements are being met.
- 6.16 On this basis, the revised proposals are considered acceptable and delegated authority is therefore required to enable the minor outstanding issues to be resolved.

### **RECOMMENDATION**

1. **Subject to the Traffic Manager raising no objection to the latest amended plans which delete 3 dwellings from the proposals, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and further conditions considered necessary by Officers:**

#### **Conditions**

1. **A01 (Time limit for commencement (full permission)) (two years).**

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

2. **During the construction no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays nor at any time on Sundays, Bank or Public Holidays.**

**Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

- 3. **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 permeable or impermeable hardstanding shall be created between any highway or footpath and the frontages of the approved dwellings other than expressly authorised by this permission.**

**Reason: In order to maintain the visual amenity of the area and to comply with Policy H13 of the Herefordshire Unitary Development Plan.**

- 4. **All integral and attached garages and access thereto must be reserved for the garging or parking of private motor vehicles and the garage shall at no time be converted to habitable accommodation or used for any other purpose incidental to the enjoyment of the dwelling house as such.**

**Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of the Herefordshire Unitary Development Plan.**

- 5. **H11 (Parking - estate development (more than one house)).**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.**

- 6. **B06 (Implementation of one permission only).**

**Reason: For the avoidance of doubt and to comply with the requirements of Policies DR1 and H13 of the Herefordshire Unitary Development Plan.**

- 7. **I56 (Eco Homes –Very Good).**

**Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'.**

**Informatives:**

- 1. **N19 - Avoidance of doubt - Approved Plans.**
- 2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

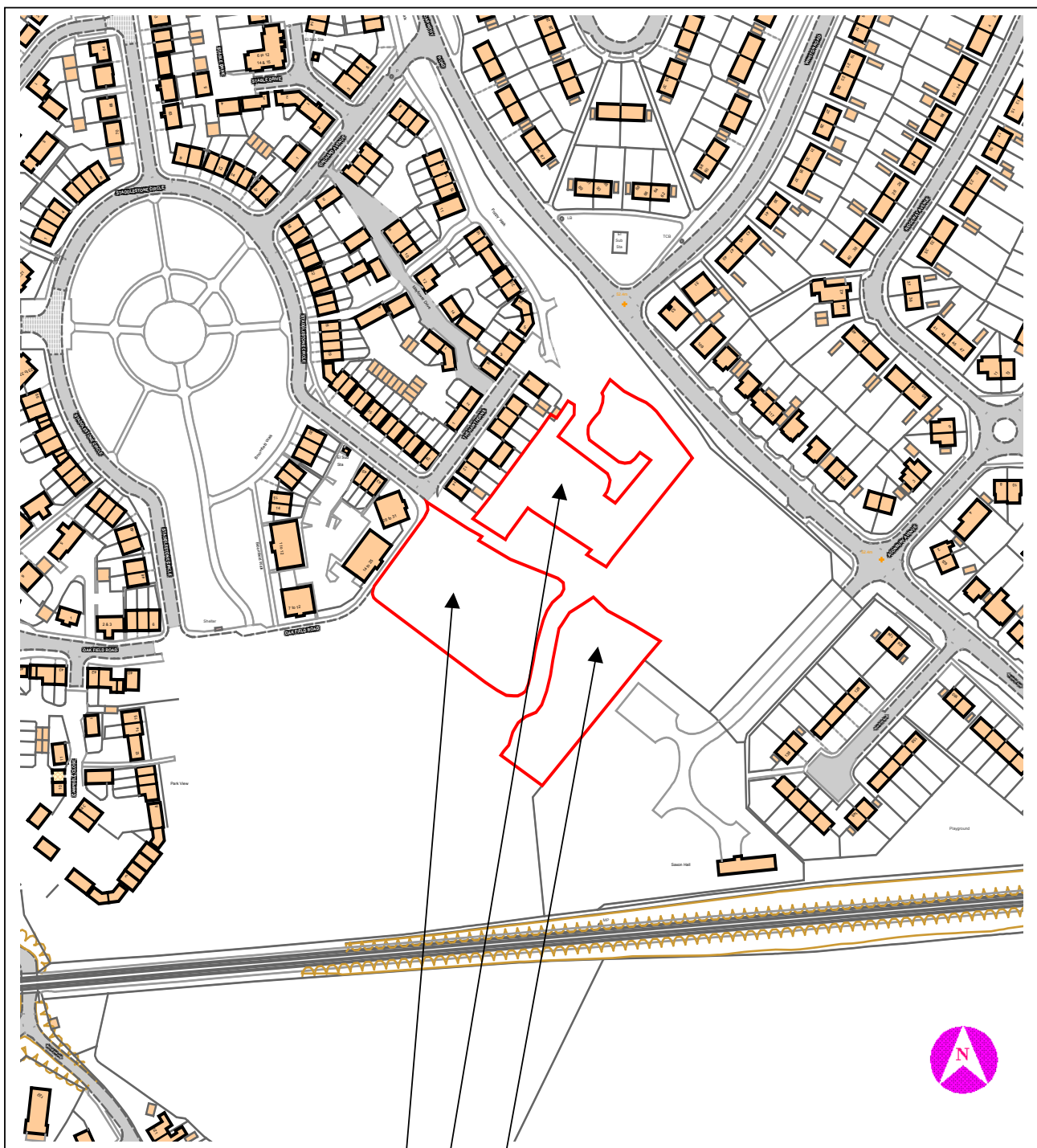
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE0009/0950/F

**SCALE :** 1 : 2500

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

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