

**12 DCNE2007/0729/F - ERECTION OF 17 RESIDENTIAL UNITS WITH ANCILLARY CAR PARKING ON LAND AT FROME VALLEY HAULAGE DEPOT, BISHOPS FROME, WR6 5BZ****For: Sharba Homes (BF) Limited per CSJ Brooke Smith, Somerville House, 20-22 Harbone Road, Edgbaston, Birmingham, B15 3AA****Date Received:**  
8th March 2007**Ward:**  
Frome**Grid Ref:**  
66309, 48243**Expiry Date:**  
7th June 2007

Local Member: Councillor PM Morgan

**This application was deferred by Committee on 27 June 2007 in order for a site visit which was held on 10 July 2007.****1. Site Description and Proposal**

- 1.1 The application site lies on the eastern side of the B4214 at the southern end of Bishops Frome. The site has an area of approximately 0.33 of a hectare. The site was previously used as a Transport Haulage Yard. The current vehicular access to the site is towards its southern end onto the B4214. The site slopes downwards from north to south. An attractive existing feature of the site is the eastern boundary wall which has a varying height but normally in excess of 3 metres.
- 1.2 Opposite the application site is a garage that operates a vehicle recovery business and 'Knights Court' which is a development of two storey dwellings probably dating from the 1970's. These dwellings on the opposite side of the B4214 are set at a higher ground level than the application site. To the north of the application site is the Grade 2 listed Parsonage Farmhouse, a two storey dwelling with rooms in its roofspace. The application site is at a materially lower ground level than Parsonage Farmhouse. Beyond Parsonage Farmhouse is the listed Church of St Mary. To the east of the application site is Vicarage Cottage and its curtilage, whilst to the south is the modern two-storey 'Vicarage'.
- 1.3 The site is readily visible from the B4214, the country lane to the south, which runs from east to west and the public footpath to the east that runs in a north-south direction. When one views the site from the more distant public vantage points the sensitive nature of the site on the edge of the village and its relationship with the listed buildings becomes more apparent.
- 1.4 The proposal is to construct seventeen dwellings upon the site. These would comprise four two-bedroomed units, five three-bedroomed units and eight four-bedroomed units. Thirty car parking spaces would be provided. Five of the dwellings would be affordable housing units (i.e. Units 11-15 inclusive). Three of these dwellings would be shared equity and two social rented.

- 1.5 The existing vehicular means of access would not be utilised. It would effectively be closed with a new vehicular access created onto the B4214 some 19 metres further north opposite Knights Court.
- 1.6 Ten two storey dwellings with rooms in the roof are proposed to be provided along the road frontage. These dwellings would be set back some 4-5 metres from the highway. They would be arranged in four separate blocks. The ridges of these dwellings would be in a north-south direction (parallel to the road), other than plots 3 and 4 either side of the vehicular access that would have ridges running east-west to create a gateway feature. The ridges lines of the buildings would “step down” with the land in a north – south direction. The buildings have been designed to limit their mass. The ridge heights are typically 7.8 metres and the eaves height typically 4.725 metres. These dwellings would have rear gardens with depths of not less than nine metres.
- 1.7 Four two storey dwellings, two with rooms in the roof space, would be provided at the southern end of the site set in some 9 metres from the boundary with the modern ‘Vicarage’. These dwellings would have their ridges orientated in an east-west direction. These dwellings would have rear gardens of not less than 8 metres in depth.
- 1.8 A further part-two storey and part-single storey dwelling would be located in the north-eastern corner of the application site. The single storey element would be parallel to the listed Parsonage Farmhouse. This dwelling would have an integral garage and dedicated car parking space. It would have a frontage walled courtyard garden.
- 1.9 The remainder of the site to the rear of the frontage dwellings would be given over to a communal parking area with a series of car-port / garage structures. Two of the garage blocks adjacent to the eastern rear boundary of the site would have two-bedroomed flats over them.
- 1.10 In terms of materials, it is envisaged that the main facing brick would be a light red plain stock brick, the roofing of the dwellings would be clay plain tiles and the roofing of the garages slate. The frontage dwellings would also have horizontal feather-edged boarding at first floor level.

## **2. Policies**

### **2.1 Central Government advice**

Planning Policy Statement 1 – ‘Delivering Sustainable Development’  
Planning Policy Statement 3 – ‘Housing’  
Planning Policy Statement 7 – ‘Sustainable Development in Rural Areas’  
Planning Policy Statement 13 – ‘Transport’  
Planning Policy Guidance Note 15 – ‘Planning and the Historic Environment’

### **2.2 Herefordshire Unitary Development Plan 2007**

S1 – Sustainable Development  
S2 – Development Requirements  
DR1 – Design  
DR2 – Land use and activity  
DR3 – Movement  
DR5 - Planning Obligations  
H5 – Main Villages: housing land allocations

H9 – Affordable housing  
H13 – Sustainable residential design  
H15 – Density  
H16 – Car Parking  
H19 – Open space requirements  
T7 – Cycling  
T11 – Parking provision  
RST3 – Standards for Outdoor playing and public open space  
HBA4 – Setting of listed building

### **3. Planning History**

- 3.1 Whilst the site has extensive planning history the only historic application considered to be of relevance to consideration of this application is:-

DCNE2006/1985/F – Demolition of existing sheds and development of 16 new dwellings – Refused 27/06/07

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 The Environment Agency has no objections to the proposed development subject to the imposition of appropriate conditions and informatives.
- 4.2 Welsh Water has no objections to the proposed development subject to the impositions of appropriate conditions.

#### Internal Council Advice

- 4.3 Building Control – No objections
- 4.4 The Conservation Manager supports the application. He considers that the proposal provides a successful mix of contemporary architecture whilst noting local features. He considers that the design of the proposal has been carefully thought through and would provide an acceptable scheme at this “landmark site” within the village. He considers that the character and setting of the adjacent listed building would be respected.
- 4.5 The Transportation Manager considers the proposed vehicular means of access to be acceptable and the car / cycle parking provision to be acceptable. He raises no objections to the proposal.
- 4.6 The Head of Environmental Health and Trading Standards has no objection to the proposed development subject to appropriate conditions ensuring that the contaminated land issue is dealt with in an appropriate manner.
- 4.7 The Strategic Housing Manager is satisfied with the affordable housing provision (including the proposed tenure mix).
- 4.8 Park and Countryside support the proposed provision of off-site contributions with regard children’s play equipment and youth/adult sporting provision.

### **5. Representations**

5.1 The Bishops Frome Parish Council object to the proposed development upon the following summarised grounds:-

- The proposed development is too cramped;
- Seventeen units are too many. A similar development of 16 dwellings was refused last year;
- There is a need for 3-4 bedroomed units;
- The future occupiers of plots 15 & 16 would not enjoy a satisfactory level of amenity;
- There is insufficient car parking and cycle parking provision;
- The sewage issue needs to be fully addressed;
- There is a need to reduce traffic speeds along the B4214;
- No provision has been made for any street lighting; and
- There is no pavement provision.

5.2 Eleven standard circular letters of objection have been received from local residents objecting to the proposed development on the following summarised grounds:-

- Too many dwellings;
- No space for children to play outdoors;
- The main road is too dangerous for children and pedestrians;
- Noise levels generated by the proposed development would have an adverse impact upon the occupiers of the proposed development and neighbouring houses; and
- Lack of car parking provision leading to on-road car parking.

5.3 Twelve individual letters have been received objecting to the proposed development on the following summarised grounds:-

- Seventeen dwellings is too many;
- The speed of traffic along the B4214 is too high;
- Any lighting should be strictly controlled;
- Insufficient car parking provision;
- The visual impact of the village entrance be unfortunate;
- Lack of pedestrian facilities;
- Possible conflict with the operation of The Garage opposite;
- The sewage system appears to be at capacity; and
- Inadequate parking provision.

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

## **6. Officers Appraisal**

6.1 The application site lies within the settlement boundary of Bishops Frome upon a site that is specifically allocated within the Herefordshire Unitary Development Plan for housing development (Policy H5). The density of the proposed development makes effective and efficient use of the site and as such accords with the objective of policy H15 of the Herefordshire Unitary Development Plan that reflects Central Government advice. Therefore there is no objection to the principle of the development. It is the detail of the proposal that requires consideration.

- 6.2 The proposed development has been designed to create a housing development that primarily addresses the road, hence the road frontage nature of the main part of the development. Careful attention has been had to the mass of the proposed dwellings. In this regard the depths / spans of the dwellings and their eaves height have been designed to reflect the scale of the dwellings in the immediate vicinity. The provision of rooms within the roofspaces is a feature of the area. For example the listed Parsonage Farmhouse has dormer windows in its front (northern elevation). The mass of the buildings would be carefully broken up by the use of differing materials and the articulation of the ridge lines. The road frontage development has been designed such that the eaves level of proposed units 1- 10 would be 1 metre lower than the eaves height of the dwellings at Knights Court opposite. A gap of in excess of 21 metres would be maintained between the proposed dwellings fronting the road and the front elevation of Knights Court such that there would be no undue loss of privacy. It is considered that this element of the proposal will create an attractive development upon this "gateway site" at the southern end of the village.
- 6.3 The dwellings proposed to be sited parallel to the southern boundary (Plots 11-14) would be sited at such a ground level that views of the Church tower would not be unduly obstructed. Indeed an important visual gap would be maintained between the rear elevation of units 8-9 and the western flank elevation of unit 11. The south facing windows in the rear elevations of units 11 – 14 would not overlook any habitable room windows of the 'Vicarage' to the south or the private rear garden area associated with that dwelling.
- 6.4 With regard the flats above the garages to the rear (east) of the site these have been extremely carefully designed such that the eaves heights of these buildings do not exceed the height of the retained eastern boundary wall. Furthermore all the rooflights in their rear (eastern) elevations are a minimum of 1.9 metres above finished first floor level such that there would be no overlooking of the rear garden associated with Vicarage Cottage to the east.
- 6.5 With regard the 'L' shaped dwelling in the north-east corner of the site it is only the single storey wing that would be directly to the rear of Parsonage Farmhouse. However, as explained earlier the ground level of the application site is at a materially lower ground level. Indeed the eaves height of the proposed single storey wing would be lower than the height of the boundary wall whilst the ridge would be in excess of 1.6 metres lower than the eaves height of Parsonage Farmhouse. It is considered that as such there would be no undue loss of daylight and / or sunlight to the ground floor habitable room windows in the rear (southern) elevation of Parsonage Farmhouse.
- 6.6 Therefore not only is the siting and design of the proposed buildings considered to be acceptable but there would not be any undue loss of amenity (i.e. sunlight, daylight, overlooking, massing, privacy) to occupiers of neighbouring properties.
- 6.7 The proposed vehicular means of access has deliberately been negotiated by Officers. The existing vehicular means of access has a substandard southerly visibility splay. The proposed new position for the vehicular means of access would rectify this position whilst creating a safe crossing position for pedestrians to the footway on the western side of the road. There is no existing footway upon the eastern side of the road through the village. It would not be appropriate to create one due to the disruption that it would cause to the Churchyard which has a very attractive listed stone retaining wall.

- 6.8 Concern has been expressed as to the speed of traffic through the village, particularly vehicles approaching from the south. However, the planning application site lies with a 30mph limit and the proposed visibility splays clearly accords with the requisite standards. Any potential problem would not be created by the development and its highway design but by speeding motorists. In this regard and responding to the concerns of the Parish Council the developer is willing to provide £2000 towards a "village gateway" traffic calming scheme. As a separate but related matter I understand that the Local Ward Member is intending to liaise with the Transportation Section as to the possibility of extending the 30mph limit further south.
- 6.9 Policy H16 of the Herefordshire Unitary Development Plan sets a maximum standard of car parking provision of 1.5 spaces per unit. This policy reflects Central Government advice. In this instance the standard is exceeded by 4.5 spaces. I consider such overprovision to be appropriate in this instance as the site is not well served by modes of transport other than the private motor vehicle. The cycle parking provision is considered to be satisfactory with secure cycle parking storage being provided beneath the two flats over garages.
- 6.10 It is considered that the proposed garden areas associated with each house would be sufficient. Nevertheless there is still a need to address the issue of children's play equipment and adult / youth sports provision. In this respect the applicant's have agreed to make the following commuted sum:-
- £20,000 towards the provision and / or upgrading of children's play equipment within the Bishops Frome Parish; and / or
  - Sporting provision within the Herefordshire Council administrative area.
- This would afford the opportunity of enhancing the existing children's play area the village. This provision accords with the Herefordshire Unitary Development Plan and is considered to be acceptable by the Leisure and Countryside Section.
- 6.11 In terms of impact upon infrastructure the applicant's have agreed to provide a commuted sum of £21,000 to provide and / or improve education facilities at Burley Gate Primary School. This provision fully meets the request of the Education Section.
- 6.12 In terms of the issue as to the capacity of the Waste Water Treatment Works, Welsh Water are satisfied that the developers proposals to remove the surface water flows from the public sewage system (as opposed to the current combined system) will ensure that the Waste Water Treatment Works will not be overloaded.
- 6.13 With regard the issue of affordable housing provision the Strategic Housing Section are satisfied with the developer's offer to provide five affordable houses, three of which would be shared ownership and two social rented.
- 6.14 The Environmental Health Section is satisfied that the occupiers of the proposed dwellings would enjoy a satisfactory level of amenity with the commercial garage operational on the other side of the B4214.
- 6.15 The matter of external lighting is proposed to be dealt with by way of a planning condition. It is considered that in such an edge of village location it is critical that possible sources of light pollution are controlled.
- 6.16 In terms of the previous application that was refused last year, although it was for one less dwelling, the scale of the proposed buildings (particularly height) and resultant

mass would have been significantly greater with severe impacts upon occupiers of neighbouring dwellings. In addition, that application failed to satisfactorily address highway matters and wider infrastructure issues (e.g. education, affordable housing, and recreation provision).

- 6.17 In conclusion, the principle of the proposed development is considered to be acceptable and the scheme itself represents a high standard of design that would integrate satisfactorily into the surrounding environment.

## RECOMMENDATION

1. **The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out Heads of Agreement) and deal with other any other appropriate and incidental terms, matters or issues;**
2. **Upon completion of the abovementioned planning obligation Officers named in the Scheme of delegation be authorised to issue planning permission subject to the following conditions:-**
  - 1 - **A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
  - 2 - **Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**
    - **Written details and samples of all external materials;**
    - **Large scale drawings of all external joinery;**
    - **Written details and samples of all surfacing materials in relation to the vehicular means of access, turning / manoeuvring areas and car parking areas; and**
    - **Details of the rooflights.**

**The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter maintained as such.**

**Reason: - To ensure a satisfactory appearance to the development and to safeguard the setting of the listed buildings in the immediate vicinity;**
  - 3 - **Prior to commencement of the development hereby permitted full written details of the proposed boundary treatments (including written details and samples of materials together with a schedule or repairs / works to the eastern boundary wall) shall be submitted to the Local Planning Authority for their written approval. The approved boundary treatments shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.**

**Reason: To ensure a satisfactory appearance to the development, to safeguard the setting of the listed buildings in he vicinity, to safeguard the privacy of**

occupiers of neighbouring dwellings, to safeguard the privacy of future occupiers of the dwellings hereby permitted and to ensure a satisfactory appearance in the street scene.

- 4 - Notwithstanding the provisions of condition 3 above the existing eastern boundary wall shall remain in-situ at its current height unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of the dwelling known as 'Vicarage Cottage' to the east.

- 5 - All of the buildings hereby permitted shall be constructed in full accordance with the ground floor finished floor levels specified upon drawing number 110 Rev D received 25th April 2007.

Reason: To ensure a satisfactory appearance to the development in the street scene and to safeguard the amenities of the occupiers of neighbouring dwellings.

- 6 - Notwithstanding the provisions of condition 5 above the eaves level of Units 15 and 16 hereby permitted shall not exceed the height (above ordnance datum level) of the eastern boundary wall directly parallel.

Reason: To safeguard the amenities of the occupiers of the dwelling known as 'Vicarage Cottage'.

- 7 - Notwithstanding the provisions of the town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development normally permitted by Classes A, E and F of Part 1 and Class A of Part 2, Schedule 2, Article 3 shall be carried out without the express consent of the Local Planning Authority.

Reason: To prevent an overdevelopment of the site, to ensure that the occupiers of the dwellings hereby permitted enjoy a satisfactory rear garden area(s) and to safeguard the setting of the listed Parsonage Farmhouse.

- 8 - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping must detail the location of all planting, the species, their size and the density of planting.

Reason: To ensure that the development is satisfactorily integrated into the locality.

- 9 - All planting, seeding and turfing in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.



**Reason:** To ensure that the development is satisfactorily integrated into the locality.

- 10 - Prior to the first occupation of any of the dwellings hereby permitted the vehicular means of access, car parking, turning/manoeuvring areas for vehicles and secure cycle storage facilities shown upon the approved plans shall be implemented. Thereafter these areas and facilities shall be kept available for such use.

**Reason:** In the interests of highway safety and to encourage the use of modes of transport other than the private motor vehicle.

- 11 - Prior to the first occupation of any of the dwellings hereby permitted the refuse storage facilities shown upon the approved plans shall be fully implemented. Thereafter these facilities shall be kept available for such use.

**Reason:** To ensure that the development has adequate refuse storage facilities and to safeguard the amenities of the locality.

- 12 - No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment or risk to be identified receptors
- c) if the risk assessment in b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

**Reason:** In the interests of human health and to ensure that the proposed development will not cause pollution of controlled waters.

- 13 - The Remediation Scheme, as approved pursuant to condition no. 12) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

**Reason:** In the interests of human health and to ensure that the proposed development will not cause pollution of controlled waters.

- 14 - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

**Reason:** To ensure that the proposed development will not cause pollution of controlled waters.

- 15 - No infiltration of surface water drainage into the ground is permitted other than the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

**Reason:** To prevent pollution of the water environment.

- 16 - Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

**Reason:** To prevent pollution of the water environment.

- 17 - Foul water and surface water discharges shall be drained separately from the site.

**Reason:** To protect the integrity of the Public Sewerage System.

- 18 - No surface water shall be allowed to connect (either directly or indirectly) to Public Sewerage System.

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

- 19 - Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the Public Sewerage System.

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

- 20 - No development shall take place until a scheme to remove the surface water from the public combined sewerage system has been submitted to and agreed in writing by the Local Planning Authority.

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

- 21 - Prior to commencement of the development hereby permitted full details of all external lighting shall be submitted to the Local Planning Authority for their written approval. The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter no other external lighting shall be installed without the prior written consent of the Local planning authority.

Reason: To safeguard the rural character of the area.

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N19 - Avoidance of doubt
- 3 - The Environment Agency recommends that developers should:
  - 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination.
  - 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The local Authority can advise on risk to other receptors, e.g human health.
  - 3) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Recovery and disposal operations require waste management licence or Pollution Prevention Control permit. If contaminated soil is to be re-used on-site as part of a soil recovery operation then wither a waste management licence will be required or the Applicant will need to register an exemption to licensing with the Environment Agency. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- 1) Duty of Care Regulations 1991
- 2) Hazardous Waste (England and Wales) Regulations 2005
- 3) Waste Management Licensing Regulations 1994 (as amended)
- 4) Pollution Prevention and Control Regulations (England and Wales) 2000
- 5) Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of

**any proposed off-site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.**

**Please note the Environment Agency R&D P20 methodology has been updated and changed name to Remedial Targets Methodology: Hydrogeological Risk Assessment for Land Contamination, (version 3.1), refer to our website for more information.**

- 4 - If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.**

**DRAFT HEADS OF TERMS****Proposed Planning Obligation Agreement****Section 106 Town and Country Planning Act 1990 (as amended)****Planning Application:- DCNE2007/0729/F****Residential development of 17 dwellings, Frome Valley Haulage Depot Site, Bishops Frome, Worcestershire, WR6 5BZ**

1. The developer covenants with the Herefordshire Council, in lieu of the provision of on-site children's play equipment, open space and sports provision, the sum of £20,000 (index linked). The sum shall be paid prior to the first occupation of any of the dwellings.
2. The monies shall be used by Herefordshire Council for-
  - a) The provision and/or upgrading children's play equipment within Bishops Frome Parish; and/or
  - b) Sporting provision within the Herefordshire Council administrative area.
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purpose specified in the agreement in Clause 2 within 10 years from the date of this agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £21,000 (index linked) to provide and/or improve education facilities at Burley Gate Primary School. The sum shall be paid prior to the first occupation of any of the dwellings.
5. In the event that Herefordshire Council does not for any reason use the said sum in Clause 4 for the purposes of specified in the Agreement within 10 years of the date of this Agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. The developer shall construct and complete five 'Affordable Housing Units' (Plots 11, 12, 13, 14 and 15), which meets the criteria set out in Section 5.5 of the Herefordshire Unitary Development Plan and related policy H9. These five 'Affordable Housing Units' shall be transferred to a Registered Social landlord prior to the occupation of the seventh other (i.e. 'open market') dwelling upon the site. Two of the five 'Affordable Housing Units' shall be subsidised housing for rent and three shall be in the form of shared ownership.
7. The developer covenants to pay Herefordshire Council the sum of £2,000 (index linked) to provide a 'village gateway' traffic calming/speed reduction facility on the B4214 to the south of the site or to utilise the money to facilitate another form of speed reduction facility on the B4214 south of the site.

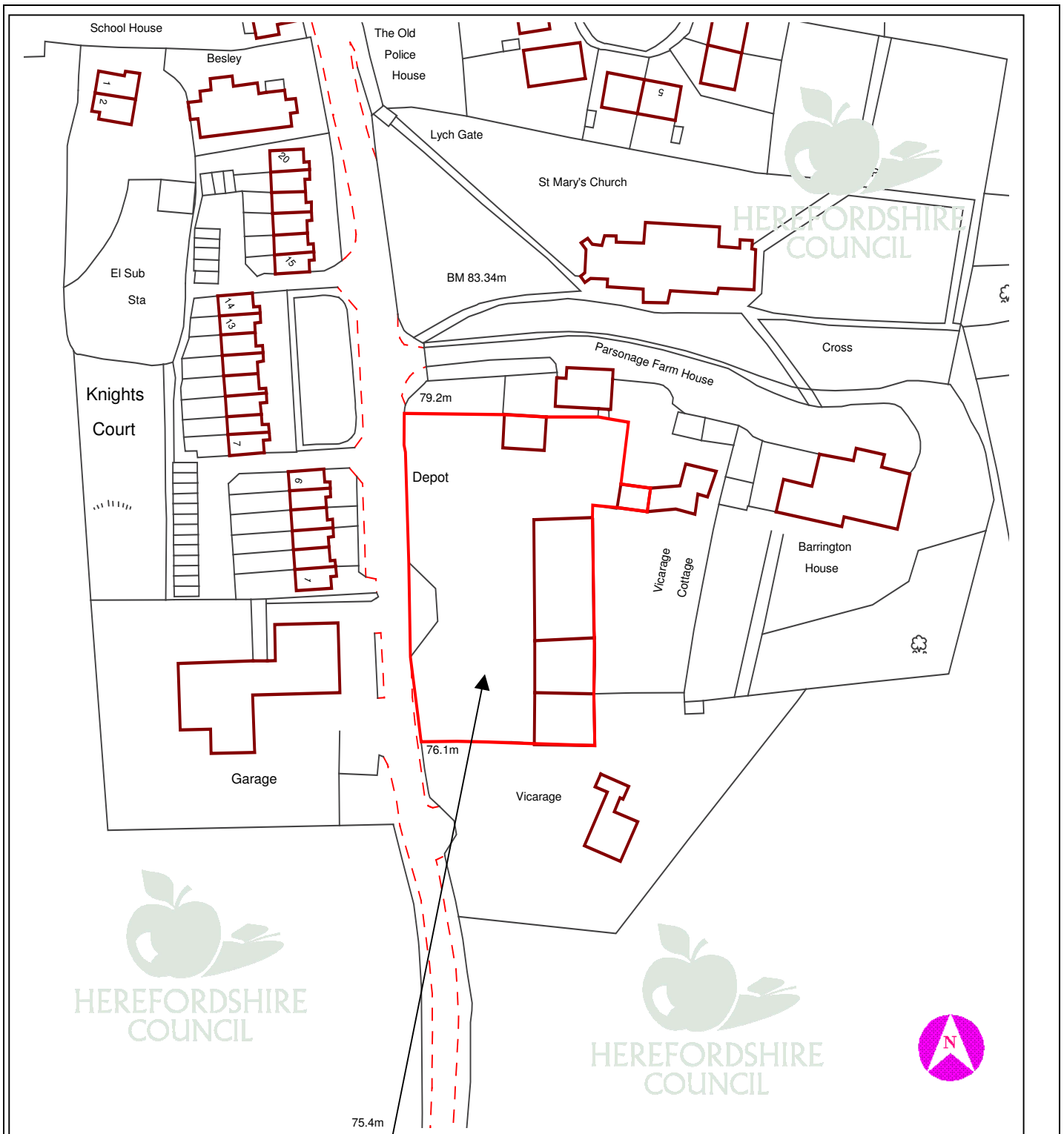
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNE2007/0729/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land at Frome Valley Haulage Depot, Bishops Frome, WR6 5BZ

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