

7 DCNE2007/2910/F - PROPOSED ERECTION OF 17 RESIDENTIAL UNITS WITH ANCILLARY CAR PARKING ON LAND AT FROME VALLEY HAULAGE DEPOT, BISHOPS FROME, WR6 5BZ

For: Sharba Homes (BF) Ltd per CSJ Brooke Smith, Somerville House, 20-22 Harbone Road, Edgbaston, Birmingham, B15 3AA

Date Received:
14th September, 2007

Ward:
Frome

Grid Ref:
66309, 48243

Expiry Date:
14th December, 2007

Local Member: Councillor PM Morgan

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 1970s. 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-four 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 spurs are typically 7.95 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 7 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 6.2 metres in depth.
- 1.8 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 applications considered to be of relevance to the consideration of this application are: -

DCNE2006/1985/F - Demolition of existing sheds and development of 16 new dwellings - Refused 27th June, 2007.

DCNE2007/0729/F - Erection of 17 residential units with ancillary car parking - Refused – 25th July, 2007 - Appeal lodged.

The material difference between the application now under consideration and that refused in July of this year is the provision of four additional car parking spaces.

4. Consultation Summary

Statutory Consultations

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

Internal Council Advice

- 4.3 The Environmental Health Section has no objections to the proposed development subject to the imposition of appropriate conditions.
- 4.4 The Leisure and Countryside Recreation Section have no objections to the proposal.
- 4.5 The River Lugg Internal Drainage Board do not raise objection.
- 4.6 The Children's and Young People's Directorate has no objection to the proposed development.
- 4.7 The Transportation Section has no objection to the proposed development.
- 4.8 The Conservation Section has no objection.
- 4.9 Strategic Housing is satisfied with the proposed affordable housing provision.

5. Representations

5.1 Three local residents have written objecting to the proposed development on the following summarised grounds: -

- The proposal represents an overdevelopment of the site;
- Insufficient parking provision;
- Terraced houses on the roadside will have the effect of augmenting road traffic noise, much to the inconvenience of the residents of Knight's Court;
- There is a need for traffic calming measures, access is dangerous
- Concern with regard the disposal of foul water
- Overlooking of Knights Court

5.2 Bishops Frome Parish Council comment as follows:

Space

The local plan recommends the building of 15 units on a plot this size. 17 units are too many, especially when they include two 5 bedroom properties. The site is very cramped and a similar development of 16 dwellings was rejected by the planning department last year. It is strongly suggested that the Village is in need of a smaller development made up of 3-4 bedroom homes that local residents can 'move up to' once they have outgrown their 'starter' homes.

Notes from the Rejection Notice following the previous application (DCNE2006/1985/F)

Item 7 – 'The occupiers of the proposed dwellings upon plots 1 and 11 would not enjoy a satisfactory level of amenity by virtue of the absence of any private outdoor amenity area and the noise and disturbance associated by other persons manoeuvring motor vehicles. As such the proposed development is considered to be contrary to policy H16A of the Hereford and Worcester County Structure Plan 1993, policies DR1, H13 and H14 of the Herefordshire Council's adopted Supplementary Planning Guidance Notes entitled 'Design and Development Requirements' (July 2004 and 'Land at Frome Valley Haulage Depot – Bishops Frome – Development Brief (November 2004).'

There is no difference between the style of building the plots 1 and 11 in last year's application and plots 15 and 16 in this application. Having been rejected on these grounds just last year, it is impossible to see how such an application can be passed this time.

Parking

There are only 30 car parking spaces allotted within the site. Given the size of some of the houses, one could easily expect 35 or more cars vying for these spaces.

Space is very tight in this development. Three or more vehicles trying to enter or exit at any one time would result in chaos because there is inadequate provision of turning space within the site.

There are unsold houses available in the village. It is believed that the most likely purchasers of the new dwellings would be from outside the area and would have to travel to work elsewhere. There is no public transport in Bishops Frome, and this tends to make multi-car ownership a necessity rather than an extravagance.

There are 4 tandem spaces within the plan. These were considered to be 'not ideal' by the Transportation Manager in the notes in the previous rejection.

It is very likely that residents will resort to parking in the main road if no spaces are available within the site. The Knights Court site, which is just across the road from the Transport Yard, is already over capacity from a parking point of view. If residents park on the same side as the new development, this would pose serious traffic due to the heavy use of the B4214. There is large amount of HGV traffic going to and from Court Farm Industrial Estate as well as commercial traffic taking the direct route between Bromyard and Ledbury. Double yellow lines will therefore be needed on that side of the road. It is unclear whether any consultation has been made with Highways in this regard.

Cycle store provision is inadequate for 17 dwellings. There could easily be in excess of 30 bikes based on the number of bedrooms.

Sewerage

Raw sewerage regularly comes out into the field behind Barrington House. With 17 dwellings, the problem can only get worse. The Parish Council would recommend a full survey of existing pipework before any major work is instigated.

Access

Whilst access is better than the previous application, there will be a real danger of traffic chaos with over 30 vehicles coming in and out of the development. There is a busy garage directly across the road and a further 20 dwellings.

Speed

There is potential for a large number of children to be living on the site. The Parish Council would recommend a reduction of the speed limit to 20 mph and the installation of Village Gateways and traffic calming measures. This will be necessary as the proposal is for a Town style development and the village will require an equivalent level of safety. The existing 30 mph limit is hardly ever observed in this part of the village as people are decelerating from a National Speed Limit area i.e. 60 mph to 30 mph.

The traffic survey that was instigated by the developers makes much of the fact that the yard was used as transport yard previously. The fact that the site has not been used for this purpose for over 10 years and the traffic situation in the village has changed radically since that time. There has been a huge increase in HGV traffic due to the expansion of Court Farm Industrial Estate.

The Parish Council would strongly request a survey by the Highways Agency to explore all safety issues.

Lighting

Anybody trying to walk out of the development after dark would be taking their life into their own hands because of the speed of approaching vehicles, the lack of lighting and the absence of any pavement. No provision has been made for street lighting. The Parish Council would request a full survey before any work begins.

Pavements

There is no provision for a play area for children. The nearest existing facilities are at the rear of the village Centre and would generally have to be accessed by walking along the main road.

This is dangerous on two counts:

1. There is no pavement on the access road within the site.
2. There is no pavement provision on the side of the main road forcing children to either walk along the road or to cross twice on what is a very busy road at all times.

Other comments received so far from local residents:

- Noise. The capacity of the site is for 70 –80 people. There are concerns from neighbouring properties that the noise level will constitute a real intrusion into their lives.
- Residents in general seem to have no problems in principle with houses being built on the yard. It is the number of houses that is a problem.
- There may be problems with sewerage which already overflows onto the field adjacent to Barrington House BC Partridge – the local garage - have asked for assurance that they can still operate as normal. There is inadequate parking provision This is already an issue along this road with the existing housing and there is no room for overflow parking from the new development. These are concerns from Knights Court that there will be further strain on their parking.
- There are concerns over access to the development and visibility. Traffic is fast down that road and access in and out of the development will be dangerous.
- Three storey houses are inappropriate in this village.
- The plans are too 'towny' and not in keeping with the village. This is not a village friendly development.
- The houses in the development are poorly laid out, some with inadequate gardens and others with no garden at all.
- Plans to put apartments above garages are not in keeping with the village.
- No footpath – Children need a pavement access to the play area or, alternatively, they need to have a play area included in the development. It would also be too dangerous for children to walk alongside a fast road to the existing playground. There is no play area provision in the proposed development.
- The house on plot 17 is too close to a listed building.

The Parish Council moves to reject the plan for the numerous reasons above.”

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

6. Officer's Appraisal

Background

- 6.1 This planning application has arisen following the refusal of an earlier planning application (DCNE2007/0729/F) by Members at the Northern Area Planning Sub-Committee on 25th July 2007. Attached as **Annex 1** to this report is a copy of my report to Members upon that application. Although that application was recommended for approval, following a Member site visit and due consideration, Members resolved to refuse that application on the following ground: -

"The proposal represents an overdevelopment of the site at an inappropriate density to the village settlement of Bishops Frome as a whole. The lack of on-site car parking provision is likely to lead to on-street car parking prejudicial to pedestrian safety and detrimental to the amenities of the occupiers of the dwellings opposite the site. As such the proposed development is considered to be contrary to policies DR1 and DR3 of the Herefordshire Unitary Development Plan 2007"

- 6.2 Whilst the applicant's have lodged an appeal against that refusal of planning permission, they have also sought to address Members concern by way of the submission of this fresh planning application.
- 6.3 It is understood that Members primary concern may not have been the density of the proposed development per se, but the interrelationship with car parking provision and the subsequent consequences that would stem from what Members regarded as an under provision of car parking (i.e. parking on the eastern side of the B4214 in front of the site creating a safety problem for pedestrians from the application site crossing the road to access the village shop and equipped children's play area and creating a loss of amenity to the dwellings opposite).
- 6.4 This application addresses this issue by proposing 34 car parking spaces to serve the 17 dwellings as opposed to the previous provision of 30 car parking spaces. This has been achieved by marginally reducing the rear garden areas associated with plots 1-3 inclusive and re-siting plots 11-14 by approximately 2 metres to the south.
- 6.5 The previously refused application had a parking ratio of some 1.76 car parking spaces per dwelling. This exceeded this Council's policy (i.e. policy H16 of the Unitary Development Plan) that seeks a maximum provision of 1.5 car parking spaces per dwelling. However, recognising Members specific concerns as to the inaccessibility of this site to amenities and public transport provision, the applicant has now increased provision to a level of two car parking spaces per dwelling. Whilst this level of car parking provision exceeds that normally sought by this Authority's policy, in this specific circumstance and given Members previously expressed view, it is considered that this enhanced provision is acceptable. It is considered that the marginally reduced rear garden areas would still be satisfactory in terms of providing a satisfactory amenity space to the future occupiers of the dwellings. The re-siting of units 11-14 some 2 metres to the south would not result in any undue overlooking of the rear garden area or habitable room windows of 'The Vicarage' to the south.

6.6 The density of the proposed development remains less than the existing Knights Court development opposite.

6.7 In all other respects the Officer appraisal is identical to that set out in the report upon the previous application attached as **Annex 1**.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. A01 (Time limit for commencement (full permission)).

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

2. 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 the 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 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 100 Rev E received 14th September, 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 as 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 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 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.

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

Decision:

Notes:

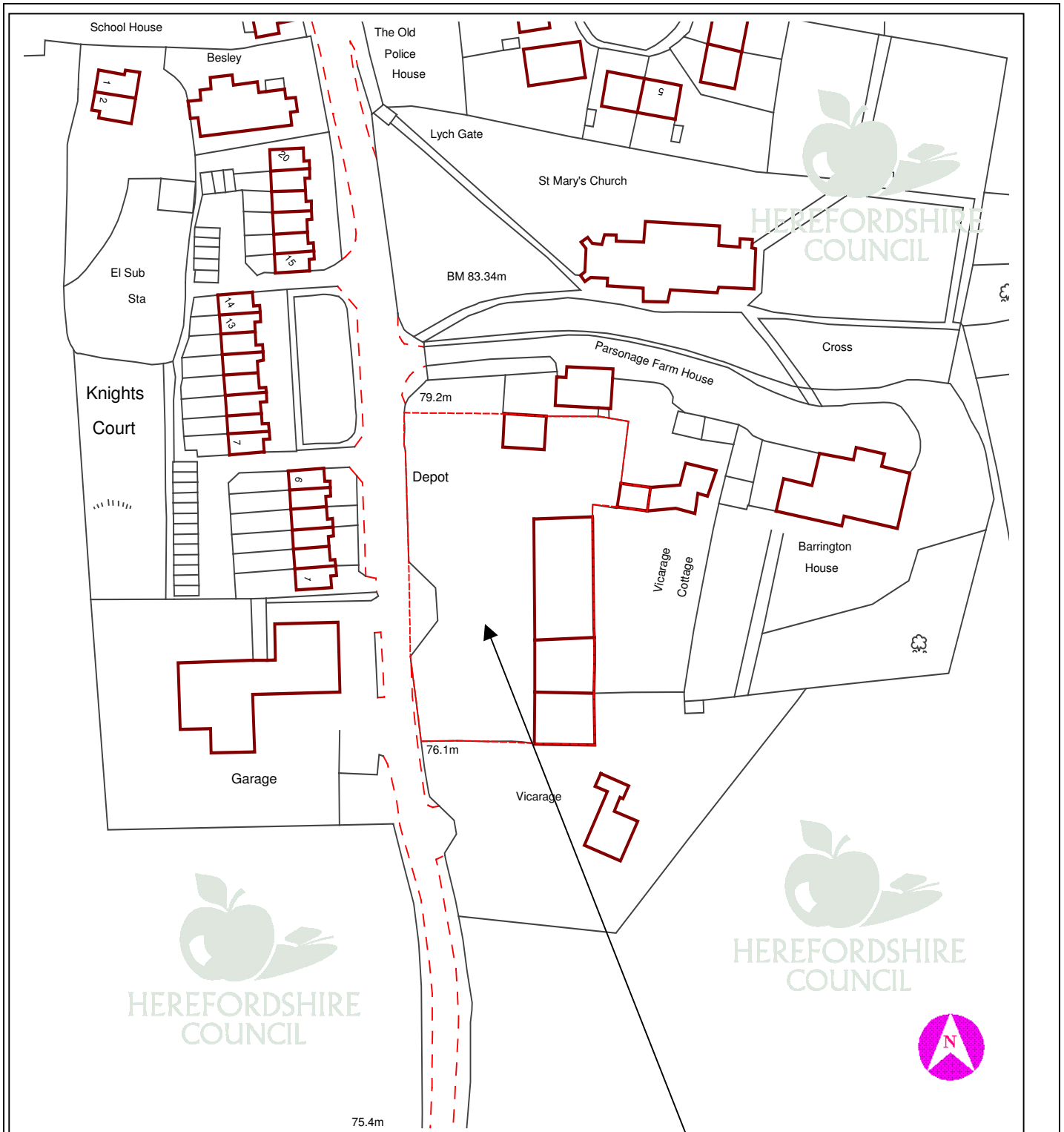
.....

Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS**Proposed Planning Obligation Agreement****Section 106 Town and Country Planning Act 1990 (as amended)****Planning Application: - DCNE2007/2910/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.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCNE2007/2910/F

SCALE : 1 : 1250

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

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005