

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed against general market units only.

Planning application: P132707/O

Site for the erection of up to 89 dwellings including affordable housing, construction of vehicular access and other associated works on land adjoining Hawthorn Rise, Peterchurch, Herefordshire.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£2,845.00	(index linked) for a 2 bedroom open market dwelling
£4,900.00	(index linked) for a 3 bedroom open market dwelling
£8,955.00	(index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced educational infrastructure at South Hereford City Early Years, Peterchurch Primary School, Fairfield High School, South Wye Youth Service and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate. **Based on the indicative housing scheme the contribution will be £349,080.00**

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum:

£1,966.00	(index linked) for a 2 bedroom open market dwelling
------------------	---

£2,949.00 (index linked) for a 3 bedroom open market dwelling

£3,932.00 (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for sustainable transport infrastructure to serve the development, which sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate. **Based on the indicative housing scheme the contribution will be £181,855.00**

The sustainable transport infrastructure will include:

- Provision of footway/cycleway to Fairfield School with pedestrian crossing to existing bus stop that will be improved through the provision of a shelter
- Peterchurch transport package – looking at Gateway features at both ends of the village, providing a ‘square’ in the centre, removal of central white lines and different coloured road surfacing to reduce speeds, making drivers more aware of the village environment they are driving through. This may include a roundabout feature as part of the entrance to the development site. The design of the package will need to consider each junction / crossing point / parking provision.
- Improvements to passenger waiting facilities in Peterchurch, shelter and kerbs.
- Improvements to bus services

Note: A Cycle/footway will be delivered along existing footpath (PR9 Bazley Lane) to link the Public Open Space to the centre of the village with a gateway feature exiting the cycle/footway. This is necessary to make the development acceptable and will be a condition of the planning permission to be delivered through a Section 278 highway agreement.

3. The developer covenants with Herefordshire Council that in accordance with UDP Policy RST4 to provide an area of land of 1.2 hectares for public open space (indicated on drawing no. 752:02 and appended to the agreement), including 1500sqm MUGA/play space/recreation area which is of at least equivalent community benefit and is provided in a convenient and accessible location which would be available for public use as part of the proposed development. The exact detail of the MUGA/play area/recreation space will be sought in consultation with the local parish council. The recreational space and MUGA/play space shall be made available on or before the occupation of the 1st open market dwellinghouse.

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum:

£878.00 (index linked) for a 1 bedroom open market dwelling

£1066.00 (index linked) for a 2 bedroom open market dwelling

£1,442.00 (index linked) for a 3 bedroom open market dwelling

£1,756.00 (index linked) for a 4 bedroom open market dwelling

The contributions will be spent in accordance with the Playing Pitch Assessment for the Golden Valley Area and emerging Investment Plan and on priorities identified at the time of receiving the contribution. This can include developing the recreation area as dedicated junior football pitches to meet the Football Association's new regulations for 5 v 5, 7 v 7 and 9 v 9 pitches. On receipt of the contribution the Council will consult on the expenditure with the local parish council, community and club. The sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate. **Based on the indicative housing scheme the contribution will be £86,466.00**

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of

£120.00	(index linked) for a 1 bedroom open market dwelling
£146.00	(index linked) for a 2 bedroom open market dwelling
£198.00	(index linked) for a 3 bedroom open market dwelling
£241.00	(index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced Library facilities in Peterchurch. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate. **Based on the indicative housing scheme the contribution will be £11,870.00**

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum up to **£10,680.00** (index linked) dwelling. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate. **Based on £120.00 per dwelling.**

7. The maintenance of the Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Note: The attenuation basin will be transferred to the Council with a 60 year commuted sum. This will be done as part of a land transfer.

8. The developer covenants with Herefordshire Council that 35% (up to 31 units) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations (2008).

9. Of those Affordable Housing units, at least 46% shall be made available for social rent with the remaining 54% being available for intermediate tenure occupation.

10. Not to Occupy or cause or permit the Occupation of more than fifty percent (50%) of the Open Market Units (unless Occupation is otherwise agreed in writing by the Council in accordance with a phasing programme).

12. the Affordable Housing Units must at all times be let or managed by a Registered Provider in accordance with the guidance issued from time to time by the Homes and Communities Agency (or any successor agency) with the intention that the Affordable Housing Units shall not be used for any purpose other than the provision of Affordable Housing by way of Social Rented Housing and Intermediate Housing (unless otherwise agreed in writing by the Council) to persons who are:

12.1 registered with Home Point at the time the Social Rented Housing Unit or the Intermediate Rent Housing Unit become available for residential occupation; or

12.2 is eligible for a Shared Ownership Housing Unit under the Herefordshire Allocations Policy and the allocation policy of the landlord Registered Proprietor; and

12.3 satisfy the requirements of paragraph 13 below.

13. The Affordable Housing Units must be allocated in accordance with the provisions of sub-clauses 12.1 or 12.2 above for occupation as a sole residence to a person or persons one of whom has:-

13.1 a local connection with the parish of Peterchurch; or

13.2 in the event of there being no person having a local connection to the parish of Petrchurch a person with a local connection to the adjoining parishes; or

13.3 in the event of there being no person with a local connection as referred to in sub-clauses 13.1 and 13.2 above any other person who is ordinarily resident to the County of Herefordshire of a type described in sub-clauses 14.1 to 14.5 below and is eligible under the allocations policies of the Registered Provider if the Registered Provider can demonstrate to the Council that after 20 working days of any of the Affordable Housing Units becoming available for letting the Registered Provider having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-clauses 13.1 or 13.2 above.

14. For the purposes of sub-clauses 13.1 or 13.2 of this schedule 'local connection' means having a local connection to one of the parishes specified above or the County (if appropriate) because that person:

14.1 is or in the past was normally resident there; or

14.2 is employed there; or

14.3 has a family association there; or

14.4 a proven need to give support to or receive support from family members; or

14.5 because of special circumstances

15. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to a subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

16. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
17. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5, 6 and 7 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
18. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 7 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
19. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
20. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman

Planning Obligations Manager

