

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, except for the waste contribution.

Planning application: P171777/F

Proposed mixed use development comprising 15 dwellings including 5 affordable, 2 live work units and associated roads and footpaths, junction improvements, sustainable drainage, informal public open space, hedgerow and tree planting on land between Garbrook and Little Tarrington Common Road, Little Tarrington, HR1 4JA

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£28,558.00** (index linked). The contributions will provide for enhanced educational infrastructure at Ashperton Primary School. The sum shall be paid on or before commencement of the development, and may be pooled with other contributions if appropriate.

NOTE: An education contribution has been agreed in principle for Ashperton Primary School but is currently subject to negotiation subject to confirmation that the contribution is necessary and compliant with the Community Infrastructure Levy Regulations 2010.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£15,000.00** (index linked). The contribution will provide for a Traffic Regulation Order to investigate the reduction in speeds on the westbound approach of the A438 into Tarrington. The sum shall be paid on or before commencement of the development.

NOTE: The developer has covenanted with Herefordshire Council to deliver improvements to the A438 U66206 junction including road widening and new footpath links through the site to link with local bus stops at Garbrook and Tarrington village.

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£1,360.00** (index linked) per dwelling. The contributions will provide for 1 x waste bin and 1 x recycling bin. The sum shall be paid on or before commencement of the development.

4. The developer covenants with Herefordshire Council to provide a minimum on site green infrastructure of 0.033 hectares comprising;
 - Public Open Space 0.014 hectares (140sqm) @ 0.4 hectares per 1000 population
 - Informal children's play 0.019 hectares (190sqm) @ 0.55 hectares per 1000 population
5. The developer covenants with Herefordshire Council that 5 units of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Local Plan Core Strategy 2011 - 2031 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.
6. The developer covenants with Herefordshire Council that the affordable units will be Low Cost Market Housing which means housing sold to people in need of Affordable Housing at a discounted price as set by the Affordable Housing technical data.
7. The developer covenants with Herefordshire Council not to occupy or cause or permit the occupation of more than eighty percent (80%) of the Open Market Units (unless Occupation is otherwise agreed in writing by the Council in accordance with a phasing programme).
8. The Affordable Housing Units must be allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons in affordable housing need one of who has:-
 - 8.1 a local connection with the parish of Tarrington;
 - 8.2 in the event there being no person with a local connection to the parish of Tarrington to the following parishes Ashperton, Pixley, Putley, Stoke Edith, Woolhope, Yarkhill and Stretton Grandison;
 - 8.3 in the event there being no person with a local connection to the above parish any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under subparagraph 8.1 & 8.2 above

9. For the purposes of sub-paragraph 8.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

- 9.1 is or in the past was normally resident there; or
- 9.2 is employed there; or
- 9.3 has a family association there; or
- 9.4 a proven need to give support to or receive support from family members; or
- 9.5 because of special circumstances

10. In the event that the Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2 and 3 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.

11. The sums referred to in paragraphs 1, 2 and 3 above shall be linked to an appropriate index of indices selected by the Council with the intention that such sums will be adjusted according to any percentage in prices occurring between the date of the Section 106 Agreements and the date the sums are paid to the Council.

12. 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
3 November 2017