

Appendix.



hookmasonarchitecture

Our Ref: DFB/AL/187.1

7th July 2008

Mr M J Willmont
Team Leader
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Dear Mr Willmont

St Nicholas Rectory, 76 Breinton Road, Hereford HR4 0JY
Your Reference : DCCW2008/0292/F

I refer to our meeting on Wednesday, 2nd July 2008 when we discussed the subject of SPD contributions in respect of the above application.

I understand that the application will be considered further by the Planning Committee when they meet on the 6th August 2008 and would be grateful if you would report the following to members in order that they can consider matters fully prior to determining the application.

As you are aware, our clients have taken detailed advice from Bernard Eacock, Chartered Town Planning Consultant, on the whole question of SPD contributions as they affect this application and based on this advice received our clients have previously offered contributions totalling £16,440.00. The committee members did not accept this offer when the application was considered at the 14th May Sub-Committee meeting and requested that our clients considered further contributions in respect of Children and Young People.

With regard to our clients original offer of contributions as detailed in my e-mail to Mr Bishop of 25th April 2008, no contribution was offered for Children and Young People because the planning advice received from Bernard Eacock was clear and unequivocal in that the whole basis of the claim prepared by Zara Clark-Davies does not accord with the guidance included within the ODPM circular 05/2005, the fundamental principles of which are reproduced in Herefordshire Council's SPD. The pre requisite being that obligations must be directly related to any proposed development and that there should be a functional and geographic link between the development and the item being provided as part of the developer's contribution.

Zara Clark-Davies confirms in her e-mail of the 1st April 2008 that the only local shortfall in accommodation is at Whitecross Day Nursery in at least one year group and based on this fact the maximum contribution that could reasonably be justified in respect of Children and Young People (based on figure 6, clause 3.5.18 of the SPD) would therefore be £271.00 x 8 additional dwellings created, i.e. £2,168.00 as opposed to the £39,200.00 requested. Zara Clark-Davies' assertion that census information can and should be used to demonstrate a need for additional financial contributions is completely contrary to both circular 05/2005 and your own authority's adopted SPD.

Continued



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For the reasons previously detailed in my e-mail of the 25th April 2008 (reproduced verbatim in your report to the 14/05/08 Planning Committee) our clients believe that they have been more than generous in their previous offer of contributions totalling £16,440.00, however, having considered matters further they are prepared to increase their previous offer to include an additional £3,560.00 in respect of Children and Young People, bringing the overall total of contribution offered to £20,000.00. The additional amount in respect of Children and Young People, exceeds the maximum amount which is regarded as being reasonable by our client's Planning Consultant for the reasons outlined above, by some £1,392.00.

In reporting this increased offer to the Planning Committee, please would you stress to members that this is our client's best and final offer. The application meets all the relevant criteria detailed within the Herefordshire Council UDP for approval and hence your previous recommendation to members to approve it. Should this increased offer be regarded by members as being unacceptable resulting in them refusing planning permission on spurious grounds, our clients will appeal any such refusal and vigorously pursue costs from the Council on the grounds of unreasonable behaviour.

I trust that the basis of our client's increased offer is clear, however, should you require any further clarification prior to the 6th August 2008 Planning Committee please let me know.

Yours sincerely

David F Baume RIBA
for and on behalf of Hook Mason Limited

Copy to : *Mr John Clark, Secretary to The Diocese of Hereford*
 Mr K Bishop, Herefordshire Council Planning
 Mr B Eacock, Bernard Eacock Chartered Town Planning Consultant

