

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.

Application Number: 140926/O

Planning application proposal: Outline proposal for the erection of 60 dwellings (including 21 affordable houses) and a change of use of land to form community open space on land to the south of A438 parcel no. 0008 and part parcel no. 2308 Bartestree, Herefordshire.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

£2,845.00 (index linked) for a 2+ bedroom open market unit

£4,900.00 (index linked) for a 2/3 bedroom open market unit

£8,955.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Hereford City Early Years, Lugwardine Academy Primary School, St Francis RC Primary, The Bishop of Hereford's Bluecoat School, a proportionate contribution towards St. Mary's High School R.C Primary School and Hereford City Youth with 1% allocated for Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate. ***Based on the indicative open market housing scheme submitted the education contribution would be £235,705.00.***

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£1720.00 (index linked) for a 2 bedroom open market unit

- £2580.00** (index linked) for a 3 bedroom open market unit
- £3440.00** (index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate. **Based on the indicative open market housing scheme submitted the highway contribution would be £104,920.00.**

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- 2.1. The provision of enhanced bus waiting facilities
- 2.2. Pedestrian improvements
- 2.3. Traffic calming and speed management measures
- 2.4. Widening splay and entrance road to Village Hall and Playing Fields for safer egress and entry

Note: The footway identified on drawing number 13-079-4 is essential to make the development acceptable and will be delivered through a condition of the planning permission and delivered through a section 278 agreement.

- 3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

- £965.00** (index linked) for a 2 bedroom open market unit
- £1,640.00** (index linked) for a 3 bedroom open market unit
- £2,219.00** (index linked) for a 4+ bedroom open market unit

To provide enhanced off-site play infrastructure within the locality of the application site. The contribution would be used in accordance with the Play Facilities Strategy and Investment Plans and in consultation with the local Parish Council and community. There is an existing neighbourhood play area at the village hall which is in need of extension and refurbishment in places. A village of the size of Bartestree requires a neighbourhood play area therefore investment at

the existing facility will help ensure that a quality facility is provided and would benefit from additional equipment for older children in particular. ***Based on the indicative open market housing scheme submitted the off-site play contribution would be £66,279.00.***

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

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

The contributions will provide for enhanced Library facilities in Hereford. 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 open market housing scheme submitted the library contribution would be £7,883.00.***

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£120.00** (index linked) per open market 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 the indicative open market housing scheme submitted the waste contribution would be £4,680.00.***

6. The developer covenants with Herefordshire Council to gift the community open space to the parish council. The open space will be cleared and ready for use as part of the development. This would include provision of all landscaping and planting surrounding the area (as may be agreed as part of the Reserved Matters application) including removal/relocation of power lines as necessary. Access points and associated gateways will also be provided subject to approval. The gift of land would be subject to an 'overage' provision equal to 80% of the enhanced value of the gifted land, in the event that planning permission for residential development is obtained over that land in the period of 80 years from the date of the gift. In addition, the gifted land will be subject to a restriction prohibiting the erection of any buildings, or development of any other kind, on the land unless such development has first been agreed in writing by our clients and specifically there will be a covenant prohibiting installation of permanent sports floodlighting on the land.
7. The developer covenants with Herefordshire Council that 35% (21 in total based on a scheme of sixty dwellings) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
8. Of those 21 Affordable Housing units, at least 11 shall be made available for social rent with the remaining 10 being available for intermediate tenure occupation.
9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:

- 10.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 10.2. satisfy the requirements of paragraphs 11 & 12 of this schedule
11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
- 11.1. a local connection with the parish of Bartestree and Lugwardine;
 - 11.2. in the event there being no person with a local connection to the parish of Bartestree and Lugwardine a local connection to the parishes of Hampton Bishop, Domington and Mordiford, Weston Beggard, Withington, Hereford;
 - 11.3. in the event of there being no person with a local connection to Bartestree and Lugwardine any other person ordinarily resident within the administrative area of the 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 sub-paragraph 10.1 above.
12. For the purposes of sub-paragraph 11.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
- 12.1. is or in the past was normally resident there; or
 - 12.2. is employed there; or
 - 12.3. has a family association there; or
 - 12.4. a proven need to give support to or receive support from family members;
or
 - 12.5. because of special circumstances;
13. 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 such 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.

14. 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.
15. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4 and 5 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.
16. The sums referred to in paragraphs 1, 2, 3, 4 and 5 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.
17. 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.
18. 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.