

DRAFT

HEADS OF TERMS

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

Planning Application: 130945/O

Site address:

Land at Tump Lane, Much Birch, Hereford, HR2 8HW

Planning application for:

Residential development comprising 20 dwellings, including up to 10 affordable dwellings with associated new access (via Tump Lane) and car parking arrangements for both existing and proposed community facility.

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units only except for item 3 which applies to all new dwellings.

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

- £ 1,084.00 (index linked) for a 2 bedroom open market unit
- £ 1,899.00 (index linked) for a 3 bedroom open market unit
- £ 3,111.00 (index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced educational infrastructure at Much Birch Primary School. 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.

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

- £ 1,966.00 (index linked) for a 2 bedroom open market unit
- £ 2,949.00 (index linked) for a 3 bedroom open market unit
- £ 3,932.00 (index linked) for a 4+ bedroom open market unit

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.

A section 278 agreement will be required for the delivery of a new footway from the site, along Tump Lane to the A49.

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£80.00** (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each open market property. The sum shall be paid on or before the commencement of the development

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

The contributions will provide for off-site play facilities. 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.

5. The developer covenants with Herefordshire Council to provide on-site Public Open Space. For a development of 20 dwellings as proposed the on-site provision should equate to:
- POS: 0.018 ha (180sq m) @ 0.4 ha per 10000 population
6. The maintenance of any on-site 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 and/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: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period.

7. The developer covenants with Herefordshire Council that 35% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Core Strategy 2011 - 2031 or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
8. Of those Affordable Housing units, at least 7 shall be made available for social rent with the remainder 3 being available for intermediate tenure.
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 be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or 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 paragraph 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 who has:-
- 11.1 a local connection with the parish of Much Birch.

- 11.2 In the event there being no person with a local connection to any of 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 sub-paragraph 11.3 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. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3 and 4 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.
14. The sums referred to in paragraphs 1, 2, 3, and 4 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.
15. 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.
16. 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

