

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>16 MARCH 2015</b>
<b>TITLE OF REPORT:</b>	<b>143252 - PROPOSED DEVELOPMENT OF 12 NOS. DWELLINGS, CONSISTING OF 4 NOS. AFFORDABLE AND 8 NOS. OPEN MARKET. WORKS TO INCLUDE NEW ROAD AND LANDSCAPING. AMENDED PLANS AT LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER</b>  <b>For: Mr &amp; Mrs Schenke per Mr Rob Mills, 9 Sweetlake Business Village, Shrewsbury, Shropshire, SY3 9EW</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143252&amp;search=143252">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143252&amp;search=143252</a>
<b>Reason Application Submitted to Committee - Clarification of Heads of Terms</b>	

**Date Received: 28 October 2014**

**Ward: Bircher**

**Grid Ref: 344261,261306**

**Expiry Date: 30 January 2015**

Local Members: Councillor WLS Bowen

## **1. Introduction**

1.1 The above planning application was approved by Planning Committee on 21 January 2015 subject to completion of a S106 Planning Obligation. The draft Heads of Terms quoted within the report varied from the Draft Heads of Terms attached to the committee report which was for a previous application (140534).

1.2 This report is to clarify that the Draft Heads of Terms are those as attached to this report and quoted within the previous report (£86578). These have been published in conjunction with the application and should have been attached to the previous report.

1.3 For clarification the contributions are as follows

Education £47310  
Sustainable Transport £22360  
Parks and Countryside £14278  
Waste Reduction and Recycling £960  
Libraries £1670

Total £86578

## **RECOMMENDATION**

**That the report is noted.**

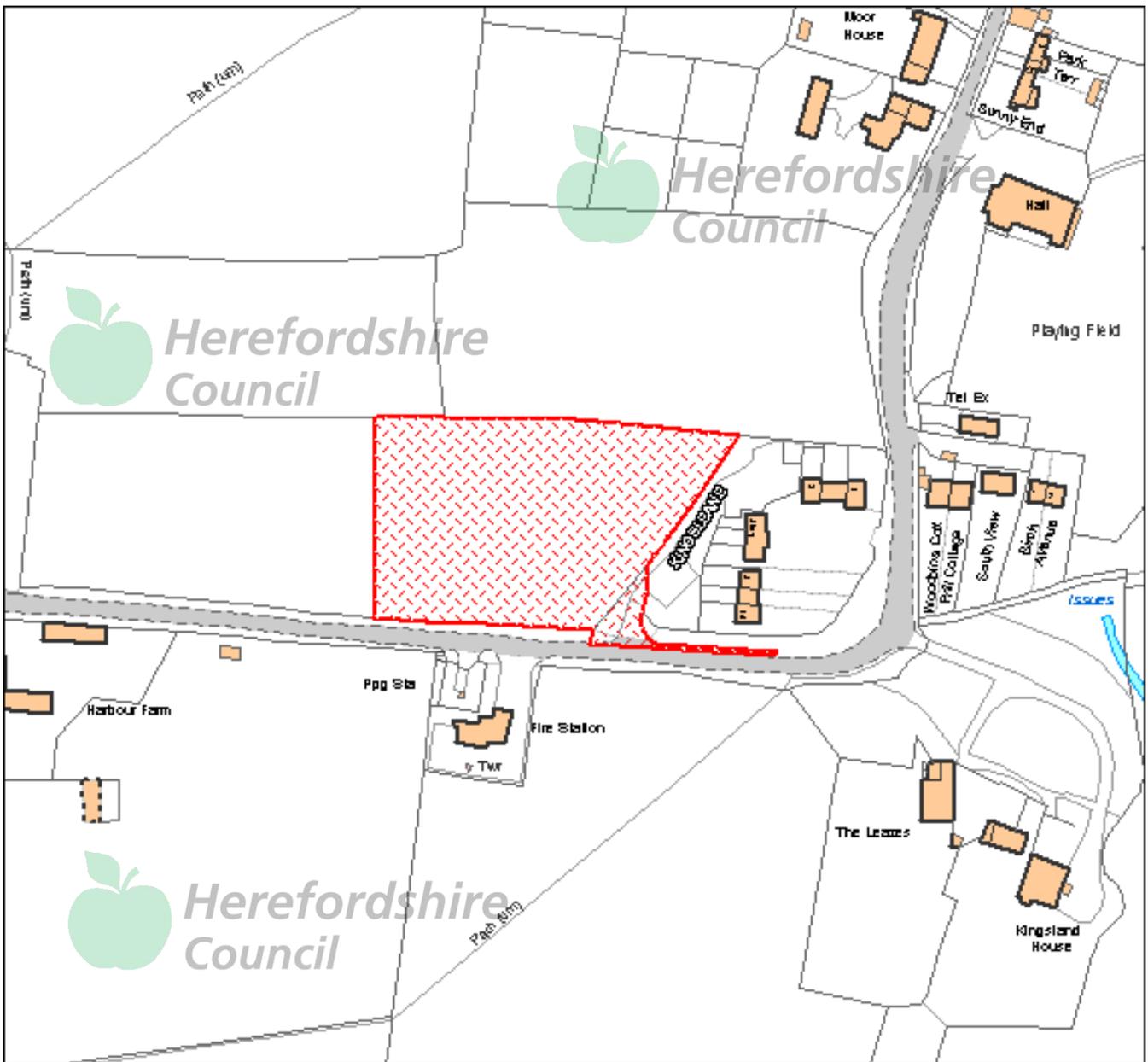
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.  
Previous report to Planning Committee, 21 January 2015.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 143252

**SITE ADDRESS :** LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

# 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 1<sup>st</sup> April 2008. All contributions in respect of the residential development are assessed against general market units only.

Proposed erection of 12 dwellings comprising 6 x 3 bed open market dwellings, 2 x 4 bed open market dwellings and 4 x 2 bed affordable dwellings on land adjoining Kingsleane, Kingsland, Leominster, HR6 9SE

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£47,310.00** (index linked) for enhanced educational infrastructure at Coningsby Early Years, Kingsland Primary School, Wigmore High School, St Mary's Roman Catholic School (8% of education contribution), Teme Valley Youth and the Special Education Needs Schools (1% of total contribution). The sum shall be paid on or before first occupation of the 1<sup>st</sup> 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 **£22,360.00** (index linked) for sustainable transport infrastructure to serve the development, which sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwellinghouse and may be pooled with other contributions if appropriate. The sustainable transport infrastructure will include improvements to the public right of way network within the vicinity of the development and improved crossing facilities between the application site and village facilities within the vicinity of the development.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£14,278.00** (index linked) for off-site play facilities. The contribution will be used in accordance with the Play Facilities Study and Investment Plan 2012. The Millennium Green offers a small infants play area which although has recently been improved requires more investment for older children to make it a larger play facility. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwellinghouse and may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£1,670.00** (index linked) for enhanced Library facilities in Leominster. The sum shall be paid on or before the occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£960.00** (index linked). The contribution will provide for waste reduction and recycling in Leominster. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council that 35% 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).
7. Of those Affordable Housing units, at least 2 (two) shall be made available for social rent with the remaining 2 (two) being available for intermediate tenure occupation.
8. 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.
9. 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:-
  - 9.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 9.2 satisfy the requirements of paragraph 12 of this schedule

10. 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:-

- 10.1 a local connection with the parish of Kingsland;
- 10.2 in the event there being no person having a local connection to the parish of Kingsland a person with a connection to Aymstrey, Shobdon, Eyeton, Yarpole, Eardisland and Monkland & Stretford;
- 10.3 in the event there being no person with a local connection to any of the above parish or wards 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 11.1 and 11.2 above

11. For the purposes of sub-paragraph 10.1 and 10.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

- 11.1 is or in the past was normally resident there; or
- 11.2 is employed there; or
- 11.3 has a family association there; or
- 11.4 a proven need to give support to or receive support from family members; or
- 11.5 because of special circumstances

12. 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.

13. 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.
14. In the event that Herefordshire Council does not for any reason use the sum specified 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.
15. 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.
16. 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.
17. 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.