

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

**Planning Application 131964/O**

Residential development comprising 20 open market and 10 affordable homes at Quarry Field, Cotts Lane, Lugwardine, Herefordshire

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

£ 2,845.00      *(index linked) for a 2 + bedroom apartment / flat open market unit*

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

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

The contributions will provide for enhanced educational infrastructure, youth service infrastructure, early years childcare insufficiency solutions and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1<sup>st</sup> open market dwellinghouse (or phasing to be agreed), and may be pooled with other contributions.

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

£ 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*

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

- Safe Routes for Schools
- Improvements to sustainable transport facilities
- Traffic Calming
- Cycling and walking routes

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

£ ~~235.00~~965.00      (index linked) for a 2 bedroom open market unit

£ ~~317.00~~1640.00      (index linked) for a 3 bedroom open market unit

£ ~~386.00~~2219.00      (index linked) for a 4 / 4+ bedroom open market unit

To be used ~~as be used in consultation with the local community and Parish Council who own and maintain Marden playing fields on priorities identified in the Play Facilities Study and Action Plans and on improvements identified by the Parish Council who are currently working with the community to improve the site for the improvement of public open space and rights of way in consultation and agreement with Herefordshire Council and the Parish Council.~~

The sums shall be paid on or before the occupation of the 1<sup>st</sup> open market dwelling. The monies may be pooled with other contributions if appropriate

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

£408.00 (index linked) for a 1 bedroom open market unit

£ 496.00 (index linked) for a 2 bedroom open market unit

£ 672.00 (index linked) for a 3 bedroom open market unit

£ 818.00 (index linked) for a 4 / 4 + bedroom open market unit

(contribution based around the requirements of ~~policy H19 and RST4 of the UDP~~the and Sport England Sports Facilities Calculator). This would be used in accordance with Sport England accepted access thresholds of a 20 minute drive time in rural area and on identified projects to improve quality and quantity of existing facilities. This would include facilities ~~at Canon Pyon in Hereford and surrounding area and including Hereford.~~ Priorities would be identified nearer the time of receiving the contribution in accordance with the finding of the Indoor Facilities Strategy for Hereford which includes the Leisure Centre and Swimming Pool and the Playing Pitch Assessment for Hereford and emerging Investment Plan-.

5. 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 4/4+ 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 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (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 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council that 10 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. Of those Affordable Housing units 5no. shall be for social rent and 5no. for intermediate tenure.
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
- 9.3 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:-

- a local connection with Lugwardine [and Bartestree](#)
- Cascading to the surrounding parishes of Hampton Bishop, Holmer, Mordiford [and Dormington](#) or Withington.

10. In the event there being no person with a local connection to any of the above parishes 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 10.3 above
11. For the purposes of sub-paragraph 11.3 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
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, 5 and 6 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, 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.

**Ed Thomas**

**Principal Planning Officer**

**September 2013**