



M L Management Ltd
c/o Carter Jonas LLP
Fao: Mr Huw Mellor
Mayfield House
256 Banbury Road
Oxford
OX2 7DE

Contact David Stevens
Telephone 01252 398738
Email david.stevens@rushmoor.gov.uk
Date 18th March 2021
Your Ref
Our Ref 21/00066/FULPP

Dear Sirs

Erection of 10 X 3-bedroom 3-storey detached houses with vehicular access from Sorrell Close; together with associated parking, internal access driveway and landscaping at Briarwood Sorrel Close Farnborough Hampshire GU14 9XW

You have recently submitted a planning application. Whilst I cannot guarantee that planning permission will be granted, you will be aware of the need for you to address the issues of public open space provision and impact on the Thames Basin Heaths Special Protection Area (SPA).

Irrespective of the particular planning merits of your application, you need to enter into a S.106 Planning Obligation before a recommendation to grant planning permission can be made. The purpose of the Planning Obligation is to secure the payment of the following financial contributions:-

1. £7,110.00 for the SPA avoidance and mitigation SAMMS element only in respect of Bramshot Farm;
2. £22,000.00 towards public open space comprising play area refurbishment/renewal at Pinewood Park or Pyestock Crescent Playground; and
3. £1,100.00 Monitoring & Administration fee;

in order to comply with policies of the adopted Development Plan for the area.

Although there was a possibility of a Transport Contribution also being required, the Highway Authority (Hampshire County Council) has now responded to consultation and accepts that there would be no material increase in traffic generation arising as a result of the proposed development. On this basis I confirm that no Transport Contribution will be required.

The need to complete the Planning Obligation is also subject to a time constraint. The determination of planning applications cannot be delayed whilst work is carried out on drafting and completing the Planning Obligation. If the Obligation is not completed **by 30th April 2021** we will refuse planning permission.

If your application is successful, and you implement the development, you will be under a legal obligation to notify the Council of commencement. You will then be issued with an invoice in respect of the agreed financial contributions. It is essential therefore, that you act

on this letter immediately. **The following matters must be attended to immediately:-**

- a. Please confirm that you agree to enter into a S.106 Planning Obligation on these terms.
- b. Please instruct your solicitor and pass them a copy of this letter and enclosure. Please also supply our Legal Section with the name of your solicitor. Their contact details are at the bottom of this letter.
- c. You must arrange to pay the Council's legal fees for drafting the Planning Obligation. When our Legal Section hear from your solicitor, they will provide an estimate of the legal fees. These must either be paid to the Council's Legal Services Section by bank transfer or alternatively a solicitor's undertaking to pay the fees prior to completion of the agreement is acceptable. Work will not however, commence on the Planning Obligation until payment has been made or a solicitor's undertaking provided.
- d. You must provide the Corporate Manager, Legal Services with proof of your legal ownership of all the land within the Application Site. We are unable to draft the Planning Obligation until full details of the legal title have been provided. Attached are the requirements which must be met.
- e. Everyone who has a legal interest in the land **must** be a party to the Planning Obligation and sign it, this includes mortgagees and lessees. You must contact all persons with an interest in the land now and confirm that they will sign the Obligation. It is your responsibility to make sure that all parties sign the Obligation in time.
- f. Please note mortgagees require a considerable amount of time to approve and sign a Planning Obligation, it is therefore imperative that the Legal Section are in a position to issue a draft Obligation as soon as possible.
- g. Please also ensure you have also given notice of the planning application to all persons with a freehold or leasehold interest of 7 years or more in the land included within the Application Site. Failure to give such notice will invalidate the planning application.
- h. Please note that if substantial amendments are requested to the draft S.106 Planning Obligation after it has been submitted to your solicitor, which requires the document to be redrafted by the Council's Legal Section, an additional legal fee will be payable prior to completion of the Obligation.

If the S.106 Planning Obligation is not completed in time, we will not delay the determination of your planning application. It is likely that in those circumstances planning permission will be refused without giving you further notice.

You will appreciate that I write without prejudice to any future decisions of the Council's Development Management Committee and that any matters dealt with by way of a planning obligation will not necessarily overcome other material issues relevant to the merits of the proposal.

All correspondence on the preparation of the S.106 Planning Obligation must be sent to the Council's Legal Section. Please call 01252 398601 or e-mail legal@rushmoor.gov.uk.

Yours faithfully

D Stevens

David Stevens
Principal Planning Officer
Planning

RUSHMOOR BOROUGH COUNCIL

Section 106 Planning Obligation (Town and Country Planning Act 1990) Schedule of Requirements

A Section 106 Planning Obligation is a planning obligation that is registered as a local land charge pursuant to the provisions of the Local Land Charges Act 1975. You must supply us with the following to enable us to draft the Obligation:-

Title

1 Registered titles

Office copy entries of the registered title(s) and filed plan(s) (which must be dated within the last **6 months**).

In addition, prior to completing the Obligation we will require a Land Registry Search without priority confirming no adverse entries have been made against the title since the date of the office copy entries.

2 Unregistered titles

A complete examined epitome of title commencing with a good root of title at least 15 years old. This will include all the documents since the root and any pre-root documents referred to in the title, with clear Land Charges searches covering the entire period of ownership of every owner. Your solicitor will be able to advise on what is required.

3 Land in the process of acquisition

If you are about to exchange contracts or have exchanged contracts for the purchase of the land, in addition to the title as above, a copy of the contract to purchase the land and draft transfer.

Parties

4 Provide full names of all owners and persons with an interest in the land.

5 If you intend to enter into any form of mortgage before completion, provide full details of the proposed mortgagee, as **all** mortgagees (current and proposed) must be a party to the Obligation.

6 If you are a lessee, the freeholder must be a party to the Obligation. If you are a freeholder any lessee must be a party to the Obligation.

7 Option holders must also be party to the Obligation.

Plans

8 You must provide an application site plan, which must agree with the title plan(s).

We will not send you a draft Obligation until you have paid our costs and provided the full title to the Council's Legal Section. No VAT is payable.