



Woolf Bond Planning
Chartered Town Planning Consultants

Draft Heads of Terms for Section 106 Obligation

Land West of Old Manor Farm, South of Lower Road, Bedhampton

Application by Bargate Homes and Vivid Homes

**Outline Planning Application for
up to 43 dwellings, associated landscaping, open space and allotments
with access from Lower Road**

September 2021

WITHOUT PREJUDICE

Introduction

This document is prepared on a without prejudice basis and sets out the draft Heads of Terms for inclusion within a S106 Agreement to be subsequently prepared in support of this outline planning application for the erection of up to 43 dwellings, associated landscaping, open space and allotments, with access from Lower Road.

The planning application is in outline, with access to be determined. Appearance, landscaping, layout and scale are reserved.

Community Infrastructure Levy

The Council's Community Infrastructure Levy (CIL) Charging schedule was adopted in August 2013. The Application Site is within the 'Rest of Borough' where a 2021 rate of £118.93psqm is applied. However, and as the Application is submitted in outline, the financial sum to be secured through CIL is to be calculated at the reserved matters stage.

A completed CIL form accompanies this application Planning Application.

Planning Obligations: Draft Heads of Terms

The financial contributions to be requested by the Council will need to meet the planning obligations test set out in part 11 Section 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the NPPF. As such, any planning obligations to be imposed as part of the application must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

The below heads of terms give an indication as to the likely matters to be secured through the subsequent Legal Agreement.

The applicants will work with the Council to secure the requisite contributions to be secured through the provisions as set out in Core Strategy Policy CS21.

Affordable Housing

The applicants will enter into an obligation to secure the provision of up to 30% affordable housing.

The tenure split of the affordable dwellings (having regard to the definitions set out at Annex 2 to the NPPF) is a matter to be negotiated as part of the planning application.

Other Contributions

In accordance with Core Strategy Policy CS21, financial contributions towards the provision of necessary and directly related infrastructure and services that is fairly and reasonably related in scale and kind to the development will be discussed with the Council through the consideration of the application and will be secured through a s106 legal agreement, subject to the Council providing the requisite justification having regard to the CIL Regulations.

Financial contributions towards the following matters are to be negotiated as part of the application process as appropriate and necessary, based upon evidence to be provided by the Council (and statutory consultees as appropriate) in terms of need.

Obligations and/or contributions may be secured in relation to the following provisions:

- (i) On-site provision of affordable housing (30%)
- (ii) Off-site highway improvements
- (iii) Sustainable Transport/Travel Plan
- (iv) Green Infrastructure/Public open space provision
- (v) Public realm
- (vi) Solent disturbance
- (vii) Nutrient mitigation
- (viii) Brent Goose and Wader Refuge project at Broadmarsh
- (ix) Community uses
- (x) Education

Council's Costs

The Applicants are willing to pay the Council's reasonable costs to produce the legal agreement, which matter is to be agreed in advance.

SB/WBP/Sept2021
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