

Appendix 2 - Draft S106 Heads of Terms

INTRODUCTION

The applicant submits the following Draft Heads of Terms with their outline application for planning approval for a proposed development comprising a one to nine-storey block of residential apartments, a commercial unit (Class E), together with associated cycle and car parking at 37-41 Brighton Road, Shoreham-by-Sea, Adur, West Sussex, BN43 6RE.

The Draft Heads of Terms are based on the relevant development plan policies and supplementary planning policy guidance, and are informed by the officer's response to a related pre-application enquiry. They are submitted as part of the above planning application on a without prejudice basis and are subject to the receipt of formal consultation responses and evidence from those to the obligation are to be given that the obligation satisfies the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

This requires that the planning obligations set out in a section 106 agreement must be:

Necessary to make the application acceptable in planning terms;

Directly related to the development; and

Fairly and reasonably related in scale and kind to the development.

The applicant will continue to undertake discussions with the relevant departments/consultees to clarify the final range/scope and quantum of obligations sought in a manner to ensure compliance with relevant development plan policy and supplementary guidance.

The detail of the obligations below will be agreed with the local planning authority as part of the application process. The developer reserves the right to withdraw or amend these obligations during negotiations with the local planning authority – particularly if any obligation cannot be fully justified in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and government guidance on planning obligations.

DEVELOPMENT

The proposed development is for the erection of a one to nine-storey block of residential apartments (Class C3), a commercial unit (Class E), with associated cycle parking and car parking at 37-41 Brighton Road, Shoreham-by-Sea, Adur, West Sussex, BN43 6RE.

PLANNING OBLIGATIONS

- Affordable Housing - 30% on site provision;
- Open Space Contribution - £100,413;
- Annual Commuted Payment for 15 years - £370;
- Monitoring Fee (TBC).

APPLICANT DETAILS

Blenhiem Estates Ltd.

% REIM, Bond House

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LEGAL REPRESENTATIVE

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LEGAL AND ADMINISTRATIVE COSTS

The applicant is willing to pay the council reasonable costs to produce the legal agreement. Such costs should be set out and agreed in advance.

Any monies paid by the applicant under the terms of the obligation but not spent directly by the Council on such provision shall be paid back to the applicant within 3 years of receipt of payment.