

ANNEX 1 - S106 HEADS OF TERMS

1. For the avoidance of doubt the percentage of all dwellings on site which will be provided as affordable housing units shall be a maximum of 50% and minimum of 15% of all dwelling units on site. All affordable housing units shall be managed by a Registered Social Landlord as defined in Part 1 of the Housing Act 1996, and to be split in a ratio of 70:30 between social rented and intermediate housing and affordable housing units shall be completed and ready for occupation on a stepped basis related to the availability for occupation of the following numbers of dwelling units with a minimum of

25% of all Affordable Housing Units (a minimum of 30 affordable dwelling units) to be available for occupation prior to no more than 405 dwelling units being occupied;

50% of all Affordable Housing Units (a minimum of 61 affordable dwelling units) to be available for occupation prior to no more than 608 dwelling units being occupied;

100% of all Affordable Housing Units (a minimum of 122 affordable dwelling units) to be available for occupation prior to no more than 729 dwelling units being occupied.

- 1.1 Subject to the minimum provision of affordable housing units at 15% of the total number of dwelling units within the development the proportion of affordable housing units (with a maximum provision of 50% of all dwelling units as affordable housing units) shall be determined by a Viability Assessment following the approved GLA Three Dragons Development Control Toolkit Model (DCTM) or such other method of assessment which replaces and substantially achieves the same purposes as the DCTM on an open book basis to the satisfaction of the Council;
- 1.2 The development shall be developed in not less than 4 phases and each phase reserved matter submission shall not exceed 210 dwelling units with an absolute limit of 810 units for the development as a whole;
- 1.3 Prior to the submission of the reserved matters for each phase the developer/owner shall submit a Viability Assessment of the whole scheme to determine subject to the minimum and maximum percentages the quantum of affordable housing units that should be provided at that phase based on a financial assessment model acceptable to the Council ;
- 1.4 The basis of the application of the Viability Assessment on the whole scheme appraisal basis should ensure that uplift or reduction of affordable housing provision subject to the minimum and maximum percentage provision shall reflect changes in for

example sales values (revenue) occurring prior to the Viability Assessment immediately prior to provision.

2. The provision of a maximum £6.45m phased education contribution for primary and secondary school provision in accordance with the Council's IPG using the current Department for Education and Skills cost figure at the time of signing (or such other lower contributions as are calculated or agreed following further discussions with the Council).

Phasing to be:

25% available prior to occupation of no more than 405 dwelling units;

50% prior to occupation of no more than 608 dwelling units;

100% prior to occupation of no more than 729 dwelling units.

Contributions to be repayable with interest if not spent within a period of 7 years from the final payment being received by the Council. Contributions for any units with more than four bedrooms will be calculated in accordance with the Councils IPG for Education Contributions using the current Department for Education and Skills cost figure at the time of signing or such other agreed calculation following the outcome of the current child yield survey being undertaken by the Council.

3. The provision at the developers expense of a direct and convenient link through the site for cyclists and pedestrians between Gubbins Lane and the Lister Avenue area in accordance with a scheme which would include a timeframe for implementation to be submitted to and approved by the LPA prior to commencement of the development subject to such approved scheme to be reviewed and any alterations submitted for the written approval of the LPA prior to the commencement of each phase of the development and thereafter the approved scheme subject to approved alterations implemented in accordance thereto.
4. The road layout to make provision for a spine road for bus operations through the site between Gubbins Lane and Lister Avenue including a bus only link and bus "gate" such provision to be constructed and delivered by the developer prior to the occupation of no more than 405 dwelling units.
5. Bus service financial contributions up to a maximum phased payment of £513,873 to be provided as follows;
 - i. £190,444 in Year 1 prior to occupation of no more than 405 dwelling units,
 - ii. £165,514 in Year 2 upon the first anniversary of first payment above and
 - iii. £157,915 in year 3 upon second anniversary of first payment at i above

or

- iv. an alternative figure/figures or timescale to be notified to the Council by Transport for London, for the introduction of a bus route through the development.
6. Prior to the occupation of no more than 405 dwelling units an £85,000 payment shall be made by the developer/owner for the introduction and operation of CCTV cameras to enforce the operation of the bus only link and/or other measures to be agreed by the Local Planning Authority and Transport for London to enforce and manage its operation.
7. The submission of a phasing strategy (to mirror faithfully the phasing strategy to be agreed pursuant to a planning condition) for the development, including access arrangements during construction and a requirement for written notification to the Head of Development and Building Control in advance of all trigger points and all other events necessary to monitor the delivery of obligations and conditions.
8. Prior to the first occupation of the relevant parts of the application site accessed via Gubbins Lane or Lister Avenue, off site highway works including any necessary improvements to the entrances from Gubbins Lane and Lister Avenue and related Orders to be respectively undertaken and paid for by the developer.
9. On site highway works including related Traffic Management Orders, road marking and signage, and any necessary related payments required in connection with S278 and S38 agreements to be recovered through the S278 and S38 process.
10. Landscaping and management of all public open space within the development in perpetuity in accordance with a management scheme approved by the Council and the final delivery of public open space with unfettered access to the public prior to first occupation of no more than 729 of the dwellings.
11. The provision by the developer as a planning obligation of a capped phased financial contribution of £283,500 or an alternative lower sum to be calculated by Transport for London and notified to the Council towards traffic management measures to be the subject of S278 agreements at or close to the junctions of Whitelands Way and Gubbins Lane with the A12.

Phasing to be:

25% available prior to occupation of no more than 405 dwelling units;

50% prior to occupation of no more than 608 dwelling units;

100% prior to occupation of no more than 729 dwelling units.

12. The provision by the developer of a £15,000 contribution towards accessibility and sustainability improvements to the transport facilities at Harold Wood Station prior to first residential occupation of the development or any Phase thereof as the case maybe.
13. Prior to first occupation of the development or any phase thereof the provision by the developer of a contribution of up to £60,000 towards improved pedestrian crossing facilities on Gubbins Lane.
14. Prior to commencement of the development or any phase thereof the developer to submit a training and recruitment scheme for the local workforce to work at the site for the approval of the LPA and such approved scheme to be implemented thereafter over the course of the construction of the development.
15. Prior to the occupation of no more than 203 dwelling units a controlled parking zone contribution capped at £150,000 shall be paid by the developer to the Council to fund a review of the Harold Wood CPZ to the north and west of the site and the implementation of any required modifications or extensions.
16. The provision by the developer of a £357,420 contribution towards the provision of primary healthcare facilities and/or personnel to be phased and provided in 3 equal tranches of £119,140 as follows prior to occupation of no more than 203 , 405 and 608 of the dwelling units .
17. The developer/owner to provide play equipment within a Locally Equipped Area for Play (LEAP) and Local Area for Play (LAP) or other areas within the development in accordance with a scheme (which will identify the location of the required LEAP and LAPS) and timeframe for implementation to be submitted to and approved by the LPA prior to commencement of the relevant phases of the development. The developer/owner to fund in full all other costs associated with establishing such areas and to provide for its maintenance in perpetuity alongside the open space.
18. Prior to the occupation of no more than 203 dwelling units the provision by the developer of a £130,000 contribution towards improvements to Harold Wood Park to aid maintaining Green Flag status by improving facilities.
19. Prior to the first residential occupation of the development or any phase thereof the developer to submit a residential travel plan (which shall follow the guidelines contained within Transport for London's (TfL's) publication 'Guidance for residential travel planning in London' (March 2008)) for the development for the approval of the LPA in consultation with Transport for London and such approved scheme to be implemented and monitored thereafter.

20. Save for blue badge holders the restriction of the ability of residents and successors in title and their visitors to apply for parking permits within the Harold Wood controlled parking zone.
21. Payment of the Council's legal fees associated with the preparation of the agreement.
22. All contributions will be subject to indexation using the appropriate Index. All contribution to be spent within 7 years of receipt of the final payment relating to the specific contributions and to include any interest earned prior to spending.
23. All contributions to be subject to the requisite monitoring fee for planning obligations in accordance with the Council's approved guidance.

In the event that the applicant fails to fully accept the Heads of Terms set out above that the Head of Development and Building Control in conjunction with the Assistant Chief Executive for Legal and Democratic Services be given delegated authority to negotiate acceptable terms, failing which the application will be remitted to the next appropriate meeting of Regulatory Services Committee.