**London Borough of Merton**

**Agreement to pay fees and to complete a Unilateral Undertaking for small sites contributions and/or Permit-Free Development**

This agreement including the information in the boxes below must be completed, signed and submitted to the Council before planning applications proposing the creation of new residential units on small site developments between 1 to 9 units can be validated for determination.

**Fees and Financial Contributions**

I agree to pay the following fees during the processing of the planning application and contributions at the milestones set out in the appended Small Sites Unilateral Undertaking template:

|  |  |  |
| --- | --- | --- |
|  | Amount | Description |
| Any Third-Party Viability Fee | A reasonable and proper amount to be determined during the course of the application | See below |
| Legal Fee | Reasonable and proper legal fee | The council’s reasonable and proper legal fee for reviewing and approving a Unilateral Undertaking to be calculated during the course of the application |
| Monitoring Fee | £ | The council’s monitoring costs calculated in accordance with the council’s s106 monitoring fee schedule |
| Affordable Housing | £ | Towards the provision of Affordable Housing |
| Carbon Offset | £ provisional amount. | Towards Carbon Offsetting of the development. Provisional amount to reflect “as designed” calculations. Final figure to be subject to recalculation prior to occupation to reflect the “as built” performance. |
| Other(s) | £ | Any other site specific ‘Head of Term(s)’ that may be required on a case-by-case basis |

**Non-Financial Obligations:**

Permit-Free Development

I agree that any additional residential/commercial units created by this development/ this development (delete as appropriate) will not be entitled to residents/commercial parking permits to park in the Controlled Parking Zone (CPZ) within which the development is situated and Council run car parks.

**Unilateral Undertaking under Section 106**

I also hereby acknowledge that a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 binding the application site will be submitted to the Local Planning Authority (LPA) in a form approved by the LPA and entered into by all parties with a legal interest in the land (including Mortgagees) of the Application site, securing the required off-site affordable housing and/or carbon offsetting contributions and/or permit-free development, before planning permission can be granted.

**Land Registry Title Plan and Document**

I have provided the Council with electronic copies of Land Registry title information in respect of the application site including the registered title plan enclosed herewith or included with the planning application documents.

**Viability assessment fees**

If I believe the proposed development is unable to afford the full level of financial contributions:

1. set out in Merton’s ‘Affordable Housing Small Sites Guidance’ with respect to an affordable housing contribution;
2. set out in the ‘Merton’s Energy Assessment Template for Minor Residential Schemes’ with respect to a carbon-offset contribution; in addition to
3. any financial contribution identified by Merton Development Management Officers as necessary to make the development acceptable in planning terms,

I will have submitted a Viability Assessment, produced by a RICS-qualified consultant and using Argus modeling software, with the application and I agree to pay an independent assessor for an independent examination of the submitted viability assessment prior to determination of the application. I understand that if the fee is not paid, it may prevent the Council from making a positive recommendation on the application. I understand I may also be required to submit a cost plan prepared by a quantity surveyor if deemed necessary by the council.

Declaration and signature (applicant) (**mandatory**):

By signing this agreement I hereby declare that the Applicant and all parties with a legal interest (including Mortgagees) in the Application site have agreed to its contents and confirm that I am duly authorised to make the financial and legal decisions described herein on behalf of the Applicant (whether they may be an individual or a company/ organisation):

Signed: ……………………………………………………………………………..

Date: …………………………………………………………………….………..

Full name: …………………………………………………………………………..

Additionally (if the above signatory is making this declaration on behalf of a company organisation)

Company/ Organisation Name:

…………………………………………………………………………………………………..

Position in Company/ Organisation:

…………………………………………………………………………………………………..

**Additional Required Information:**

|  |
| --- |
| Address of site for which planning application is submitted: |
| Description of Development: |
| Planning Portal Reference/Planning Application Reference: |
| Land Registry Title Number(s) (every separately registered land parcel that together comprise the site must be provided): |
| Postal address of applicant: |
| Email address of applicant: |
| Mobile number of applicant: |
| Agent details  Full Name:  Email address:  Mobile number: |
| Name of solicitor / firm [block capitals]: |
| Solicitor/firm contact details  Individual’s Full Name:  Email address:  Mobile number:  Address: |

Appendix

The Small Sites Unilateral Undertaking template

(Read-only – for viewing only)

















