

Working for you

EXTRA CARE HOUSING PROPOSAL PRO-FORMA

When completed and agreed, please submit this with your planning application

Applicant/Agent:

Address:

.....

Tel no.: Email:

Personal Contact:.....

SUMMARY OF PROPOSED DEVELOPMENT:

.....

.....

Please tick one of the following boxes:

I have consulted with North Yorkshire County Council's Adult and Community Services and have agreed with them that, subject to planning permission, the proposed development will only accommodate elderly and/or disabled people (and/or members of their families/partners/carers) whom they have assessed as being in need of Personal Care. A completed unilateral undertaking to this effect has been submitted with the planning application. The development will accommodate a range of dependency needs.

Subject to planning permission, the proposed development will only accommodate people who have been assessed as being in need of Personal Care using the assessment criteria of:

..... (*insert relevant title of business*).
North Yorkshire County Council's Adult and Community Services have approved the assessment criteria. A completed unilateral undertaking to the effect has been submitted with the planning application. The development will accommodate a range of dependency needs.

This planning application is not accompanied by a completed unilateral undertaking which states that the proposed development will only accommodate elderly and/or disabled people who have been referred by North Yorkshire County Council's Adult and Community Services, or that the criteria to assess future residents of the proposed development have been approved by North Yorkshire County Council's Adult and Community Services. I have completed an Affordable Housing Proposal Proforma, which is submitted as part of this planning application.

Signed: (Applicant/Agent) Date:

Note: Planning applications for proposed extra care and close care accommodation (and similar) will not be validated and registered by Harrogate Borough Council unless accompanied by a signed Extra Care Housing Proposals Pro-forma.

ExtraCareProForma07.cdr

Department of Development Services

Precedent Extra Care Accommodation

DATED2007

HARROGATE BOROUGH COUNCIL

and

.....

UNILATERAL UNDERTAKING

Under Section 106 of the Town and County
Planning Act 1990 relating to land situate at

.....

clearance works carried out prior to the implementation of the Planning Permission and 'Commence the Development' shall be construed accordingly

Development: means the development proposed by the Application

Personal Care: for the purposes of this agreement shall have the same meaning as the definition of "Care" in Article 2 of the Town and Country Planning (Use Classes Order) 1987 or any replacement or re-enactment of the said Order

Planning Permission: means the planning permission issued pursuant to the Application

Site: means the land at shown for identification purposes only edged red on the plan annexed hereto

Assessment Criteria: means written criteria designed to identify persons genuinely in need of Personal Care and qualifying to be accommodated in the Development which have been submitted to and have been formally approved by the County in writing for the purposes hereof

Written Assessment: means an assessment undertaken in accordance with paragraph (iii) of the definition of Qualifying Persons

The DDS: means the Director of Development Services for the time being of the Council

WHEREAS

- (1) The Owner has the freehold interest in the Site under title number subject to a legal charge dated in favour of the Mortgagee
- (2) The Council is the Local Planning Authority for the purposes of the 1990 Act for the area within which the Site is situated and is the Local Planning Authority by whom this Undertaking is enforceable
- (3) The Owner has made the Application to the Council for Planning Permission
- (4) {continue Recitals as appropriate.....

NOW THIS DEED WITNESSETH as follows:

1. **THIS** Unilateral Undertaking is a planning obligation given by the Owner pursuant to Section 106 of the 1990 Act and all other powers so enabling

2. The Owner with the consent of the Mortgagee hereby covenants with the Council:
 - 2.1 That the units of accommodation within the Development shall only be occupied by Qualifying Persons or by person residing with a Qualifying Person as part of the same Household or by a widow or widower of such a person who formally resided with them in a unit of accommodation in the Development
 - 2.2 That a written record of the identities of all occupants of the Development will be kept together with a copy of the Written Assessment undertaken in respect of each occupant who is a Qualifying Person and that record will be made available to Inspection by the DDS or such officers as are authorised by him to inspect the same

3. **IT IS HEREBY AGREED AND DECLARED** as follows:
 - 3.1 THIS Deed is conditional and shall only have effect upon the grant of Planning Permission and the Commencement of Development
 - 3.2 No person shall be liable for a breach of any covenant or obligation contained in this Undertaking occurring after he has parted with his interest in the Site or the part of the Site in respect of which such breach occurs
 - 3.3 For the purpose of such parts of this Undertaking as may be subject to the law against perpetuities this Undertaking shall remain in force for the period of eighty years from the date hereof or (if sooner) as long as the covenant herein may not have been performed

- 3.4 In this Undertaking the expressions “the Council”, “the Owner” and “the Mortgagee” shall where the context so admits be deemed to include their respective successors in title
- 3.5 Save as provided in respect of the successors in title to the Site or any successor to the relevant statutory functions of the Council this Undertaking shall not be enforceable by any third party pursuant to the Contracts (Rights of Third Parties) Act 1999
- 3.6 Nothing in this Undertaking shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than one relating to the Development) granted (whether or not on appeal) after the date of this Undertaking
- 3.7 The planning obligation hereby created shall be registered as a Local Land Charge

EXECUTED AS A DEED by the Developer and the Mortgagee on the day and year first hereinbefore appearing

SIGNED AS A DEED
by
in the presence of

Witness Name

Witness Address

SIGNED AS A DEED

by
in the presence of

paulac/agmts/s106-laver-hill top farm

DATED

2007

and

to

HARROGATE BOROUGH COUNCIL

UNILATERAL UNDERTAKING

under Section 106 of the Town and Country
Planning Act 1990 relating to land situate
at

Draft: 14 February 2007