

POSOL RESIDENTS MANAGEMENT COMPANY LIMITED

COVENANTS WORKING GROUP

Applications for Alterations to Properties

Application Processing System

1.0 Pre-Application Process:

1.1 The POSOL Board of Directors has appointed 'Managing Agents', (currently 'Countryside', whose address is 2 The Garden, Office Village, Fareham, PO16 8SS).

1.2 Shareholders considering making alterations/additions to their property are advised to contact with POSOL's Managing Agents prior to having drawings prepared. They are encouraged to enter into a pre-application dialogue with POSOL in order that assistance/guidance may be provided to them in respect of the kind of alterations/additions that may be acceptable.

2.0 The Application Process:

2.1 Applications are to be made in writing to POSOL via it's Managing Agents, by post or e-mail.

2.2 Applications should identify the property address and provide a concise description of the proposed works. This should be accompanied by scaled and dimensioned plans and other details sufficient to enable the Working Group to understand the proposals.

2.3 Applications that contain sufficient and accurate information will be '**validated**' and allocated an application reference. These details will be entered into an '**Applications Register**'.

- 2.4 A '**Registration Letter**' will be sent to applicants (by e-mail wherever possible).
This letter is not a permission to proceed with the proposed works.
- 2.5 A letter of '**Neighbour Notification**' will only be sent to adjoining owners where it is considered by POSOL to be necessary (i.e. where the proposals may be likely to have an impact on the neighbour, and where POSOL considers that this should be brought to the neighbour's attention). Any representations must be submitted within 21 days of notification and the application will not be determined until after the expiry of this 21 day period.
- 2.6 Applications received each month will be distributed by the Managing Agents to the Members of the Working Group promptly after their registration.
- 2.7 Prior to the Working Group monthly meeting its members will consider the proposals and to visit site/s (if necessary). In cases where a site visit is required (i.e. with the Applicant present and/or to enable an internal inspection of the property) the Managing Agents will be instructed to arrange a meeting and the application will be considered by the Working Group at the next available meeting following the site inspection.
- 2.8 In cases where the Working Group consider that the application is unacceptable but could be made acceptable by way of amendment the Managing Agents will be instructed to write to the Applicant setting out proposed amendments . When the applicant's response is received the matter will be placed before the next available Working Group meeting for further consideration.
- 2.9 The consideration of applications by the Working Group at its monthly meeting will be recorded, together with any Conditions related thereto. The '**Recommendations**' of the Working Group, in the form of a '**Covenants Working Group Report**', will be forwarded to the POSOL Board for formal ratification at each Board Meeting.
- 2.10 All recommendations and subsequent Board approvals will be in '**2 Parts**'.

- 2.11 **Firstly**, upon formal ratification by the Board the Applicant will be sent a Notice of **‘Conditional Approval of the Proposed Works’**. This approval will be valid for a period of 2 years from the date of the Notice (i.e. the works must be commenced within this time period). This will enable the applicant to proceed with the works, strictly in accordance with the submitted application, and subject to compliance with any **‘Conditions’** imposed by the Board.
- 2.12 This conditional approval will be entered into the **‘Applications Register’** maintained by the Managing Agents and the date recorded. If the works are not implemented within the 2 year period a **‘renewal application’** may be submitted in the form of a letter.
- 2.13 The Notice of **‘Conditional Approval of the Proposed Works’** sent to the Applicant will have a standard **‘Condition’** requiring the Applicant to notify the Managing Agents in writing (i.e. by post or e-mail) when the works are complete. This **‘Completion of the Works’**, notification must be submitted to the Managing Agents within 28 days of the completion date.
- 2.14 **Secondly**, the Managing Agents will then arrange for the completed works to be inspected to verify that they have been carried out in accordance with the conditional approval. When the works have been satisfactorily verified, the works shall be deemed to be complete and the date of completion will be entered into the **‘Applications Register’** and the application process will be complete. The Managing Agents will send the applicant a **‘Completion Letter’** to confirm compliance.
- 2.15 In cases where there are any variations from the description set out in the **‘Conditional Approval of the Proposed Works’** POSOL may require a further application to be submitted for consideration, through the normal application procedures.
- 2.16 In cases where there are unauthorised variations from the **‘Conditional Approval of the Proposed Works’** Notice which are considered by POSOL to be unacceptable a letter will be sent to the Applicant explaining why the proposals are unacceptable and advice may be given as to how such proposals may be rendered acceptable and/or what works may be required to satisfy POSOLs requirements for permission to be granted.

3.0 Non-Compliance:

- 3.1 In cases where works carried out are either, not in accord with the ‘**Conditional Approval of the Proposed Works**’ and/or where retrospective remedial works are not undertaken by the Applicant, or in cases where such works are considered by POSOL as being not capable of making the development acceptable a ‘**Non-Compliance Letter**’ will be issued.
- 3.2 A Non-Compliance Letter will set out the action POSOL considers necessary to remedy the breach of consent and specify a period within which such steps should be taken (i.e. to be a reasonable period taking into account the nature of the works).
- 3.3 If such breaches of consent are not remedied within the specified period, to the reasonable satisfaction of POSOL, the property will be ‘**Flagged**’ (i.e. a formal Note will be attached to the property file), for future reference when the property is subject to sale/purchase in the future.
- 3.4 It should be noted by Applicants that POSOL’s consent is required prior to the legal completion of a sale or purchase of a property, and that any outstanding/unresolved covenant matters could affect/delay the sale/purchase process whilst such matters are resolved.

4.0 Refusal of Permission:

- 4.1 In cases where permission to make alterations/additions is refused, the Applicant will be provided with a written ‘**Refusal Letter**’ from the Managing Agents setting out the reason/s for refusal.

5.0 Appeals:

- 5.1 An Applicant aggrieved by the decision of POSOL in respect of his/her application may lodge an ‘**Appeal**’ against the decision of the Board in writing within 3 months of the date of the Board’s decision.

- 5.2 Appellants will be provided with the opportunity to appear before the Board and may be accompanied/represented by one additional person at the Hearing. A Hearing will last no longer than 30 minutes.
- 5.3 The Board's decision on such an Appeal will be final and will be conveyed to the Appellant in writing with 21 days of the date of the '**Appeal Hearing**'. Appeals and their outcome will be recorded in the '**Applications Register**' .

6.0 Access to Information:

- 6.1 The '**Applications Register**' will be maintained by the Managing Agents and will be available for inspection at their local address by Shareholders, upon request, during normal office hours Monday to Friday, with the exception of Board Meeting days.
- 6.2 A nominal inspection fee of £10.00 plus VAT will be payable by prospective purchasers to inspect the register, to cover administrative costs.

Note: It should be noted that the Covenants entered into by each property owner 'require' the approval of POSOL to proposals for external alterations to properties (such approval not to be unreasonably withheld). These requirements are 'in addition to' and not 'instead of' the need for applicants to obtain Planning Permission and/or Building Regulations consent from the Local Authority, where required by statute (i.e. Portsmouth City Council). Applicants are advised to contact the Planning and/or Building Regulations Departments of the Council and satisfy themselves as to whether Planning Permission and/or Building Regulation approval is required for the proposed works, prior to carrying out any works to their property.

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