

Application for the Modification or Discharge of Planning Obligations

Town and Country Planning Act 1990 (Section 106)

Town and Country Modification and Discharge of Planning Obligations Regulation 2012

Planning application forms are public documents and all information contained on them will be placed for public inspection on the Authority's website.

Please complete using BLOCK CAPITALS and indicate

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application

1. Application Type

Please tick

☐ Are you applying to **modify** planning obligations

☐

☐ Are you applying to **discharge** a planning obligation

☐

Is the Obligation more
than 5 years old

Yes
☐

No
☐

Date Obligation was
Signed

01 August 2023

2. Applicant Name and Address

Title First Name

Last Name

Company
(Optional) Southdown Housing Association

Unit House
Number House
Suffix

Address 1 2 Bell Lane

Address 2 Lee

Address 3

Town East Sussex

County

Postcode B1 1AA

Telephone
Number

Email

3. Agent Name and Address

Title Mr First Name Bria

Last Name Sturge

Company
(Optional) Capitic LLP

Unit House
Number House
Suffix

Address 1 Staple House

Address 2 Staple Garden

Address 3

Town Winchester

County Hampshire

Postcode SO23 8SR

Telephone
Number 01252 555555

Email Bria.Sturge@Capitic.com

4. Address (to which obligation relates):

Unit		House Number		House Number	
Address 1	Land South of Stephen Church				
Address 2	Hamland				
Address 3	Horsted Heath				
Town					
County	East Sussex				
Country	England				
Postcode					

5. Nature of Applicant's Interest in Land

Freehold Owner	☐
Lease	☐
Other (Please Specify)	Future Landowner

6. Other Parties with Interest in Land:

Name	Address	Nature of Interest
Macar Home Horsted Heath Limited	Foundation House, 2 London Road, Reigate, RH2	Landowner
Paragon Development Finance Limited	Level 25, 20 Fenchurch Street, London, EC3M 3BY	Chargee

7. Details of Planning Application:

Application reference	DM/20/2
Date of Decision	11 August 2023
Description of application	Proposed erection of 30 dwelling units and 30 affordable units. There will be a mixed dwelling type including 10 bed apartment and 2,3 and 4 bed houses.

8. Details of Planning Obligation(s) to be Modified or Discharged

Section 106 Agreement dated 11 August 2023 between

Mid Sussex District Council 20 East Sussex County Council
3 Canon Vidal Robert McCaldin and Sarah Louise McCaldin 100 Redon Home Limited

Planning permission reference DM/20/2

Land South of St Stephen Church, Hamland, Horsted Heath, East Sussex

9. Reason for Modification or Discharge of Planning Obligation(s)

- Var the tenure for the Fir Home unit to Affordable Rented unit and corresponding obligation
- Amend the Mortgagee in Possession clause at Paragraph 10 to it is suitable for charging at MVST
- Insert an express provision allowing the rent to be increased 3% CPI 3% per annum
- Amend the enforcement clause at clause 1 to also exclude the Registered Provider and their mortgagee from the non affordable housing obligation
- Amend the exclusion clause to expressly exclude liability in respect of the affordable housing obligation from tenants who have exercised a right to buy, right to acquire, preserved right to buy or their mortgagee

10. Certificates

Certificate under Regulation 4

Town and Country Planning Act 1990 (Section 106A)

Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

Supporting Notes:

An application for the modification or discharge of a planning obligation shall be accompanied by a certificate, either Certificate A, B or C

Certificate A – to be completed where on the day before the date of the accompanying application the planning obligation to which the application relates was enforceable against nobody other than the applicant

Certificate B – to be completed where the applicant gave notice of the application to a person other than the applicant against whom, 2 days before the date of the application, the planning obligation to which the application relates was enforceable and whose name and address is known to the applicant

Certificate C – to be completed where the applicant needs to give notice of the application to a person other than the applicant against whom, 2 days before the date of the application, the planning obligation to which the application relates was enforceable **but where names and addresses of all such persons NOT known to the applicant after he/she has taken reasonable steps to ascertain the information.** The applicant shall during the 2 day period immediately preceding the application, publish notice of the application in a local newspaper

Certificate A

On the day before the date of the accompanying application the planning obligation to which the application relates was enforceable against nobody other than the applicant

Signed

On behalf of

Date

Certificate B

I have/ The applicant has given the required notice to everyone else against whom, on the day before the date of the accompanying application the planning obligation to which the application relates was enforceable, a listed table

Name of person on whom
notice was served

Address at which notice was served

Date on which notice was
served

Macar Home Limited

Foundation House, 12 London Road,
Reigate, RH2 1

2020

Paragon Development
Finance Limited

Level 25, 20 Fenchurch Street, London,
EC3M 3BY

2020

2020

Signed

B. Sturge on behalf of Capitic LLP

On behalf of

Southdown Housing Association

Date

2020

Certificate C

I certify that

- ☐ I
- The applicant cannot complete a Certificate A or B in respect of the accompanying application
- ☐ I have
- The applicant has given notice to the person listed below, being person against whom, on the date 2 days before the planning obligation to which the application relates is enforceable

Name of person on whom notice is served	Address at which notice is served	Date on which notice is served

Signed

On behalf of

Date

- ☐ I have
- The applicant has taken reasonable steps to ascertain the name and address of every person whom, on the date 2 days before the date of the accompanying application, the planning obligation to which the application relates is enforceable and who has not been given notice of the application
- The steps were as follows describe steps taken

Notice of the application, attached to this application, has been published on the

Date of publication

Name of newspaper in which the notice is published

Signed

On behalf of

Date

Notice of an application to modify or discharge a planning obligation
Town and Country Planning Act 1990 (Section 106A)
Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

I GIVE NOTICE that the name of applicant

is applying to MID SUSSEX DISTRICT COUNCIL to modify or discharge the planning obligation described below

Obligation description:

Insert a brief description of the planning obligation which the applicant wished to modify or discharge

Address of site:

Insert address or location of land to which the planning obligation relates

Obligation date:

Insert date that the obligation was entered into

Any person against whom the planning obligation is enforceable who wishes to make representations about this application should send them to Mid Sussex District Council, no later than

Insert date giving a period of 28 days beginning with the date of service of this notice

Signed

On behalf of

Date

12. Declaration:

I/we hereby apply for the modification or discharge of a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the details above, and the submitted plans and documents

We have completed an ownership certificate (either certificate A, B or C as appropriate) and attached it to this application

Signed	B Sturgeon on behalf of Capitic LLP
On behalf of	Southdon Housing Association
Date	200202

13. Checklist

Please read the following checklist to make sure you have sent all the information in support of our proposal. Failure to submit all information will result in our application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

Submitted

Two copies of a completed and dated application form	☐
Two copies of a plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of north	☐
Two copies of other plans and drawings or information necessary to describe the subject of the application	☐
Copy of the pre notice if appropriate or a certificate	☐

Notes

Application for Modification or Discharge of Planning Obligation

Town and Country Planning Act 1990 (Section 106A)

Town and Country Planning (Modification and discharge of planning obligations) Regulations 1992

1. Application Type

Please specify whether you are applying to **modify** or **discharge** a planning obligation affecting the appropriate box

2. Applicant Name and Address

Please enter the applicant Details, including full name and title. Please also enter the house flat number and/or name if applicable and street name in the Street address field. The town, county, country and full postcode should also be entered. If the application is being submitted by an agent i.e. someone who is acting on the applicant's behalf, all correspondence, including the decision letter, will be sent to him/her.

3. Agent Name and Address

Please enter the agent Details, including full name and title. Please also enter the house flat number and/or name if applicable and street name in the Street address field. The town, county, country and full postcode should also be entered. If the application is being submitted by an agent i.e. someone who is acting on the applicant's behalf, all correspondence, including the decision letter, will be sent to him/her.

4. Site Address Details

Please enter the same address as the site allocated on the decision notice, together with the full postcode or grid reference.

5. Nature of Applicants Interest in Land

Please specify the nature of the applicant's interest in the land to which the planning obligation relates.

6. Any Other Parties Interested in Land

Please provide the name and address of any other parties interested in the land to which the planning obligation relates. Please specify the nature of their interest in the land.

7. Details of Planning Application

Please provide details of planning application to which planning obligation relates. Please specify the planning application number, date of the formal decision notice, and the description of the planning application.

8. Details of Planning Obligation(s) to be Modified or Discharged

Please provide sufficient information to enable us to identify the planning obligation agreement you wish to have modified or discharged. The original planning application reference number will suffice. If this is not known please provide as much information as possible e.g. original description of the proposal, date and a copy of section 106 retained. Please also provide a map identifying the land to which the obligation relates.

9. Reasons for Modification or Discharge of Planning Obligation

Please give your reasons for applying to modify or discharge the obligation and any other information required to enable us to determine the application.

10. Applicant Contact Details

Please provide contact information for the applicant

11. Agent Contact Details

Please provide contact information for the agent

12. Certificates

If you are the sole owner of the land to which the application relates, please complete **Certificate A**. Owner means a person having a freehold or leasehold interest with at least seven years unexpired. Certificate is not appropriate unless you are the sole owner.

If you are not the sole owner of the land, or if any part of the development to which the planning obligation relates goes outside land in your ownership (even if only foundation), please complete **Certificate B** and serve notice on each of the owners using the wording given on the notice attached to the application form.

If you do not know the names of all the owners, you will need to complete **Certificate C**, serve notice on those owners you do know and describe what steps you have taken to identify and serve notice on those you are unable to identify.

It is an offence knowingly or recklessly to complete a false or misleading certificate.

13. Declaration

Please sign and date your application.

14. Checklist

Please use the checklist to ensure that the forms have been correctly completed and that all relevant information is submitted. Failure to complete the forms correctly or to supply sufficiently detailed drawings or other relevant supporting information will result in your application being returned as invalid.