

Recommendation Report for Request to Modify or Discharge a Planning Obligation on a S106
Agreement Less Than 5 Years Old

REF NO: BN/11/26/DOV

LOCATION: Land to the rear of Croft Surgery
Barnham Road
Eastergate
PO20 3RP

PROPOSAL: Request to enter a Deed of Variation to modify a Planning Obligation dated 20.12.2024 relating to planning application BN/38/24/PL to modify Clause 1.2 under Schedule 2 Part 1 from rented affordable housing to shared ownership/shared equity.

SITE AND SURROUNDINGS

REASON FOR DECISION	The application has been made to enter a Deed of Variation to the Section 106 dated 24 December 2024 secured under planning permission BN/38/24/PL to modify clause 4.1 relating to the affordable rented dwellings. The change to the deed is sought to alter the rented affordable housing to shared ownership/shared equity. It has become apparent that delivery of affordable rented is not deliverable due to a lack of registered provider interest. An affordable housing provider has agreed to terms in principle of the revised tenure which will continue to meet delivery of affordable housing. The amendments have been subject to consultation with the ADC Housing Development and Enabling Officer. Additional evidence was requested showing the contact/response that took place with registered providers. This was submitted and it was confirmed that ADC would not purchase the units.
DECISION	The planning obligation subject of this request can only be modified or discharged by agreement between the authority and the person against whom the obligation is enforceable and shall not be entered into except by an instrument executed as a deed. The modification as proposed is acceptable and a deed of variation agreement was completed on 15th September 2026.

CONSULTATIONS

DEVELOPMENT PLAN POLICIES

RECOMMENDATION

APPROVE