



SECTION 106A TOWN AND COUNTRY PLANNING ACT 1990

Application for Modification or Discharge of Planning Obligation

1a. Applicant:		1b. Agent:	
Name	Clarion Housing Association	Name	FAO Benjamin Holland, Trowers and Hamlins
Address	6 More London Place Tooley Street London	Address	Trowers and Hamlins LLP The Senate, Exeter
Post Code	SE1 1DA	Post Code	EX1 1UG
Tel No			
Email			

2. Address or location of the land to which this application relates:
Land at Courtwick, Little Hampton, West Sussex
The application must be accompanied by a location plan with the site edged red

3. Please state the nature of the applicant's interest in the land (i.e. landowner, leaseholder, prospective purchaser):
Landowner

4. Type of Application	
Application to discharge obligation	NO
Application to modify obligation	YES

5. Planning Agreement	
Date Planning Agreement was entered into	22 March 2012 as varied on 13 November 2019
Reference of relevant Planning Permission	LU/355/10; LU/241/18/PO and LU/219/19/PL
Obligation to be discharged/amended	Clause 7.3(a) of Schedule 4 Paragraph 7.5 of Schedule 4

6. Brief outline of reasons for applying to discharge/amend the obligation:
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The current mortgagee exclusion clause which covers the affordable housing restrictions is now considered out of date and being inadequate to result in the valuation when charging the property. We look to change these clauses to bring them in line with the National Housing Federations exclusions clause wording.

Are suggested amends are as follows:

Clause 7.3(a) of Schedule 4 to be deleted and replaced with the following:

"7.3

(a) a mortgagee or chargee (or any receiver (including an administrative receiver) of the AHP appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a **Receiver**)) of the whole or any part of the Affordable Housing Units or any persons or bodies deriving title through such mortgagee or chargee or Receiver provided that the mortgagee or chargee or Receiver has complied with the provisions of paragraph 7.5 below; or"

Paragraph 7.5 of Schedule 4 to be deleted and replaced with the following:

"7.5 In order to rely on the provisions of paragraph 7.3(a) of this Schedule 4, such mortgagee or chargee or Receiver shall first give written notice to the District Council of its intention to dispose of the Affordable Housing Units and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the Affordable Housing Units to another registered provider or to the District Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses and if such disposal has not completed within the three month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the Affordable Housing Units free from the provisions of this Schedule 4 which provisions shall determine absolutely.

7. Please state any other information considered relevant to this application

9. Are you, or the person you are acting for, related to any member of staff or Elected member of the Council? If yes please specify details:

No

I/We hereby apply for the approval of the planning obligation.	
Signed Benjamin Holland on behalf of Trowers and Hamlins LLP	On behalf of (insert applicants name if signed by agent) Clarion Housing Association
Date: 20/05/2021	

Certificates – This application must be accompanied by a completed ownership certificate A or B (whichever is appropriate) and if Certificate B applies a Notice* must also be served on the Owner(s)
*Separate Notice attached to the end of this form

Data Protection

The information collected from this form will be used by Arun District Council only for purposes as indicated on our Privacy Notice <https://www.arun.gov.uk/planning-privacy-statements>

CERTIFICATE A

I certify that on the day 21 days before the date of the accompanying application, the planning obligation to which the application relates was enforceable against nobody other than the applicant.

Signed: Benjamin Holland on behalf of Trowers and Hamlins LLP ...

(If appropriate) On behalf of: Clarion Housing Association.....

Date: 20/05/2021

CERTIFICATE B

I certify that the applicant has given notice to everyone else against whom, on the day 21 days before the date of the accompanying application, the planning obligation to which the application related was enforceable as listed below:

Person on whom notice served	Address it was served	Dated it was served

Signed

(If appropriate) On behalf of:

Date:

Cont...

NOTICE

Notice of an application to modify or discharge a planning obligation under Section 106a of the Town and Country Planning Act 1990

I give notice that *(insert name of applicant)*:

Is applying to Arun District Council to modify/discharge the planning obligation described below *(enter brief description of the planning obligation which the application wishes to have modified or discharged)*:

Land to which the obligation relates *(enter the address or location of the land)*:

Date on which the obligation was entered into:

Any person against whom the planning obligation is enforceable who wishes to make representations about this application should write to the Planning Department, Arun District Council, The Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5SS by *(enter date giving a period of 21 days beginning with the date of service or publication of the notice as the case may be)*:

.....

Signed Date

(if appropriate) on behalf of

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