

INSTRUCTION AND AUTHORITY

Planning Application Ref: LU/205/21/PO	Today's date: 06/10/21	Date of the Decision Notice, or Date that the Decision is to be considered if in the future (insert 'not known' if no date yet): Not known	Planning Officer: Michael Eastham
What Type of Agreement is it?: Please tick one of the following: <u>Deed of Variation to Section 106 Agreement</u>			
Who is responsible for this decision?			
(see notes opposite: <u>only complete this box and sign here if this is an OFFICER Decision</u>) (signature of Officer with the power): Print Name: Claire Potts Constitution Issue 8: Part 4 Section 3 Paragraph <u>2.1.1</u>.		<u>You need to tell Legal Services who is making the Decision on this S106.</u> (NB Pagham Agreements – The authority will not be known at validation stage so please note accordingly – Legal Officer to check later) - If this is an OFFICER Decision, sign and print your name in the box opposite , or - If this is a Development Control Decision that has already been made you will need to provide: Minute Number: xxxxxxxx, or - If this is for Development Control to make the Decision <u>in the future</u>, please provide the date of the future meeting or insert 'to be advised' if the date has not been set Date of Future Development Control Meeting: xx/xx/xx or To Be Advised	
Full name(s) of Freeholders/Leaseholders: (ideally the developer will have completed a recent land registry search which should be attached as well)		Names: - X - X - X - X - X	
Application (LU/205/21/PO) to amend the mortgagee exclusion clause which covers affordable housing restrictions under Clause 7 of the Section 106 dated 22/3/12 (as amended by deed of variation dated 13/11/19) following the grant of outline planning permission LU/355/10, Land at Courtwick Lane, Littlehampton.			

DEED OF VARIATION TO SECTION 106 AGREEMENT **LAND AT COURTWICK LANE, LITTLEHAMPTON**

NON-FINANCIAL Obligation Summary	Trigger Point	Due To (ADC, WSCC, Other)	Department/Officer to Confirm Compliance
AFFORDABLE HOUSING Amendments to Mortgagee in Possession Clause (Schedule 4) to reflect changes requested by the Registered Provider. The proposed changes to the S106 Agreement comprise: Clause 7.3(a) of Schedule 4 to be deleted and replaced with the following wording: "7.3 (a) a mortgagee of 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 wording: "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		ADC	Arjan De Jong Housing Department

the Affordable Housing Units free from the provisions of this Schedule 4 which provisions shall determine absolutely." Following on from the amendment to Clause 7, an amendment is also required to Clause 6 of the template nominations agreement so that it refers to the updated Mortgagee Exclusion wording.			
---	--	--	--