



SECTION 106A TOWN AND COUNTRY PLANNING ACT 1990

Application for Modification or Discharge of Planning Obligation

1a. Applicant:		1b. Agent:	
Name	Hayley Philippault (on behalf of the charity 'Voluntary Association for Surrey Disabled (VASD)')	Name	
Address	VASD Leatherhead Court Woodlands Road Leatherhead Surrey	Address	
Post Code	KT22 0BN	Post Code	
Tel No		Tel No	
Email		Email	

2. Address or location of the land to which this application relates:
100 Ancton Way, Elmer Sands, Middleton, PO22 6JR
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, developer, prospective purchaser):
Landowner (manager of charity owning the land)

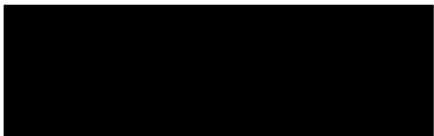
4. Type of Application	
Application to discharge obligation(s)	YES /NO
Application to modify obligation(s)	YES /NO
Are you applying under S106A (1) to negotiate a new deed for a modification or discharge that has been agreed in principle? <i>If Yes, certificates at the end of this form are not mandatory</i>	YES /NO
Are you applying under S106A (3) for a determination under an application to modify or discharge obligations that were agreed over 5 years ago? <i>If Yes, the certificates at the end of this form are mandatory</i>	<u>YES</u> /NO

5. Planning Agreement	
Date Planning Agreement was entered into	21/04/1983
Reference of relevant Planning Permission	M/96/82 (dated 2 nd Dec 1982)
Obligation(s) to be discharged/modified	Condition 3. a.) That the owner will not use or permit the property to be used for any other purpose other than for holiday occupation for disabled persons and necessary attendants.

6. Brief outline of reasons for applying to discharge or modify the obligation:
VASD has honoured the above obligation since the property was transferred into our ownership in 2001. Demand for use of the property as a holiday home for disabled persons has reduced as alternatives such as hotels and caravan parks have become more accessible to wheelchair users and persons with reduced mobility. We would like to sell the property and use the proceeds to invest in other projects for the same group of beneficiaries i.e. disabled people. In order to do so we would like the usage obligation/covenant to be removed, so that this property could be purchased by someone wishing to use it as their main residence, for example.

7. Please state any other information considered relevant to this application
The original agreement (dated 21st April 1983) was between Arun District Council and Cheam Invicta Club for Disabled and Non-Disabled People. The latter party no longer exists as a charity or group and the property ownership was transferred to VASD in 2001. The restriction on the use of the property is listed as a restrictive covenant on the Title Deeds held at the Land Registry for the property.

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  Hayley Philippault Date: 05/04/2022	On behalf of (insert applicants name if signed by agent)

Certificates – If you are applying under S106A(3) This application must be accompanied by a completed ownership certificate A, B or C (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:  Hayley Philippault

(If appropriate) On behalf of: ... The Voluntary Association for Disabled People (VASD)

Date:

...05/04/2022.....

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:

CERTIFICATE C

I certify that the applicant cannot issue a Certificate A or B in respect of the accompanying application; the applicant has taken reasonable steps to ascertain the name and address of every person against whom, on the 21 days before this application, the planning obligation to which this application relates was enforceable and who has not been given notice of the application but has been unable to do so. These steps were as follows:

(a)
(b)
(c)

Insert
(a) *description of steps taken*
(b) *name of local newspaper in which the notice was published*
(c) *date of publication*

Signed

(If appropriate) On behalf of:

Date:

**The Notice (overleaf) must be served by the applicant on all persons to which this obligation is enforceable. Where the names and addresses of all such persons are not known to the applicant, after he has taken reasonable steps to ascertain that information, he shall during the 21 day immediately preceding the application, publish the notice of the application in a local newspaper circulating in the locality of the land to which the application relates*

NOTICE

Notice of an application to modify or discharge a planning obligation under Section 106A of the Town and Country Planning Act 1990 Regulation 4(5)

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 a 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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