

MID SUFFOLK DISTRICT COUNCIL

Application for the Modification or Discharge of a Section 106 Planning Obligation

Town and Country Planning Act 1990 (Section 106A)
Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

FOR OFFICE USE ONLY

APPLICATION NO.

DATE REGISTERED

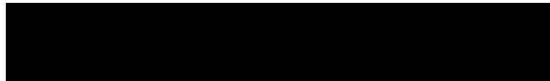
APPLICATION FORMS ARE PUBLIC DOCUMENTS AND ALL INFORMATION CONTAINED ON THEM WILL BE PLACED ON DEPOSIT FOR PUBLIC INSPECTION BOTH IN THE COUNCIL OFFICES AND ON THE MSDC WEB SITE

1a Name and Address of Applicant

Greg Dodds – Assistant Director of Development
Orwell Housing Association Limited
Crane Hall Lodge
325 London Road
Ipswich
Suffolk IP2 0BE

Tel. No.

Email:



1b Name and Address of Agent (if any)

None

Name of contact

Tel. No.

Email:

2. Address of the Site

Plots 7-11 and plots 19, 21,22, and 23 Priory Road Fressingfield Eye Suffolk

3. Description of Planning Obligation - please give sufficient information to enable the identification of the Planning Obligation you wish to modify or Discharge

We wish to modify the affordable housing obligations contained in the Third Schedule of a Section 106 Agreement dated 14th August 2017 relating to planning permission 4410/16.

4. Please state why you are applying for the modification or discharge of the obligation identified above.

We are seeking to modify the obligations as some definitions relating to the affordable housing are now either redundant or out of date. We are proposing to substitute up to date definitions. Specifically, the clause which protects a mortgage lender of a Registered Provider is not acceptable to a lender so this will make it difficult for a Registered Provider to raise mortgage finance on the affordable housing properties we are proposing that this is replaced with the industry standard 'mortgagee protection' clause. We are also seeking to change the plot numbers relating to the two shared ownership properties.

Our detailed proposals are set out in the draft Section 106 Agreement and the draft Nomination Agreement which accompany this application.

5. Please provide any additional information that you consider relevant to the determination of this application. Attach additional sheet if necessary

We have consulted the Local Authorities Housing Enabling Officer – Robert Feakes on the changes. Please see email dated 15th April 2024 attached to this application.

6. Please state the nature of the applicant's interest in the land.

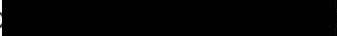
Freehold owner of the Affordable Housing Units.

7. Declaration TO BE COMPLETED BY ALL APPLICANTS

I/we hereby apply for the modification or discharge of a planning obligation under section 106A of the Town & Country Act 1990 in accordance with the details above, and the submitted plan(s) and documents

We have completed an ownership certificate (certificate A) and attached it to this application.

Sign 

On behalf of  Association Limited

(insert applicant's name if signed by agent)

Date 25th April 2024

Guidance notes

Town and Country Planning Act 1990 (Section 106A) Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

Your completed application will comprise of:

- I. **Two** copies of the completed application forms. Please sign all the copies.
- II. **Two** copies of all plans submitted with the site edged in red.
- III. **One** copy of either Certificate A, B or C (and one copy of the press notice if appropriate).
- IV. If you wish to bring other matters in support of your application to the attention of the Council please provide it in writing either on the application form or use an additional sheet of paper.

Notes to assist completing the Application form

Address of the Site: Describe precisely the location of the land to which this application relates and attach **two** copies of an Ordnance Survey based plan showing the boundary of the land in red.

Description of the section 106 Obligation: please give sufficient information to enable the planning authority to identify the Section 106 which the applicant wishes to have modified or discharged.

Notes to assist completing the Certificate and Notice

An application for the modification or discharge of a Section 106 shall be accompanied by a certificate; either

Certificate A, B or C.

Certificate A - to be completed where on the day 21 days before the date of the accompanying application the Section 106 to which the application relates was enforceable against nobody other than the applicant.

Certificate B - to be completed where the applicant gives **notice** of the application to any person (other than the applicant) against whom, 21 days before the date of the application, the Section 106 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 any person (other than the applicant) against whom, 21 days before the date of the application, the Section 106 to which the application relates was enforceable; **but where the names and addresses of all such persons are NOT known to the applicant after he/she has taken reasonable steps to ascertain the information.** The applicant shall during the 21day period immediately preceding the application, publish notice of the application in a local newspaper.

PLEASE SUBMIT THIS FORM AND RELEVANT SUPPORTING DOCUMENTS ELECTRONICALLY TO:

planning@babberghmidsuffolk.gov.uk

OR ALTERNATIVELY TWO COPIES OF THIS FORM, PLANS AND ALL ACCOMPANYING DOCUMENTS CAN BE SENT BY POST TO

Chief Planning Officer, Development Management, Mid Suffolk District Council,
Endeavour House, 8 Russell Road, Ipswich IP1 2BX.