



**Horsham
District
Council**

For Official Use Only

App No	
Date	
Fee	

Planning Department
Horsham District Council
Park Side, Chart Way
Horsham
West Sussex RH12 1RL

Tel: (01403) 215187
e-mail: planning@horsham.gov.uk

Application for the Modification or Discharge of Planning Obligations

Town and Country Planning Act 1990 (Section 106A)

Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

Publication of applications on planning authority websites:

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using BLOCK CAPITALS and in black ink

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. What are you applying for?

Modification of Planning Obligations ☒ Discharge of Planning Obligations ☐ (please tick one)

Is the Obligation more than 5 years old? Yes ☐ No ☒ Date Obligation was signed:

2. Applicant Name & Address

Title:	MRS	First name:	TRACEY
Last name:	OGBOURNE		
Company (optional):	STONEWATER 2 LTD		
Address 1:	SUITE C, LANCASTER HOUSE		
Address 2:	GRANGE BUS NESS PARK, ENDERBY ROAD		
Address 3:	WHETSTONE,		
Town:	LEICESTER		
County:	LEICESTERSHIRE		
Postcode:	LE8 6EP		
Tel. No:	01202 319119		
E-mail:	TRACEY.OGBOURNE@STONEWATER.ORG		

3. Agent Name and Address (if any)

Title:		First name:	
Last name:			
Company (optional):			
Address 1:			
Address 2:			
Address 3:			
Town:			
County:			
Postcode:			
Tel. No:			
E-mail:			

4. Address of the Site

Please describe the precise location of the land or building(s) to which this application relates:

LAND ADJACENT RAILWAY COTTAGES AND PULBOROUGH RAILWAY STATION, STOPHAM ROAD, PULBOROUGH, WEST SUSSEX RH20 1DP

LOCATION IS DIRECTLY OPPOSITE 1-11 STOPHAM ROAD, PULBOROUGH

5. Description of Planning Obligation

Please provide the information requested:

S/106 number: SEC106-2279

Related Planning Permission Ref: DC/16/0728

Names of all parties to the Obligation (continue on another sheet if necessary):

Name: GEORGE HENRY RICHARDS

Name: WILLOWMEAD PULBOROUGH LTD

Name: NETWORK RAIL INFRASTRUCTURE LTD

Name: HORSHAM DISTRICT COUNCIL

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

1) Suggested changes to the wording of the S106 to enable us to secure 100% social housing CIL relief, to provide that the 'additional' 19 units aren't fettered by the S106 obligations (see para 1.9 of the Schedule and (D)-(G) of the Recitals).

a. The 'additional' units are defined as 'Additional Affordable Dwellings' and the DoV states that we will provide them as 'Affordable Housing'.

However, the s106 restrictions in Part 2 Sch 2 which bind the 10 S106 AH units will not bind the Additional Affordable Dwellings.

b. Para 1.9 provides that during the 7 year clawback period we will ensure the additional units are occupied as 'Qualifying Dwellings' for CIL purposes and CIL will become payable if a disqualifying event occurs in respect of these units.

c. We intend to enter into a local lettings plan in relation to the affordable homes secured in the S106 and all additional units, and a nominations agreement for all the homes.

2) The definition of 'Affordable Housing Mix' has been amended to refer to the table in Appendix 2. The table in the DoV just covers the 10 S106 AH units.

3) The MEC clause is amended to reflect the NHF wording.

4) The pre-commencement conditions in Schedule 2 (obligations in paragraphs 1.1 and 2 of Part 2, paras 6-9 of Part 3 and para 1 of Part 4) are varied to reflect the fact a material start on site has already been made.

5) Para 8 of Part 3 Sch. 2 needs to be amended to reflect the timescales in the varied condition 3 of the s73 consent *Attach an additional sheet if necessary*

7. Please provide any additional information that you consider relevant to the determination of this application.

Site plan 19-129_030 attached replacing plan 1676-01C and 1676-02D

Appendix 2. Affordable housing mix attached

Draft DOV previously agreed by Horsham DC legal team

Attach an additional sheet if necessary

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

With effect 06.07.22 legal land owner intending to develop 23 houses and 6 flats with parking and landscaping.

Construction of private parking bays to be used by Stopham Rd residents only.

9. 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

I/we have completed a certificate (either certificate A, B, or C as appropriate) and attached it to this application.

Signed Tracey Ogbourne

On behalf of Stonewater 2 Ltd

(insert applicant's name if signed by agent)

Date 01.08.22

Town and Country Planning Act 1990 (Section 106A)

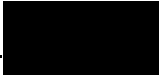
Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

CERTIFICATE UNDER REGULATION 4

CERTIFICATE A

I certify that:

1. 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 Tracey Ogbourne  DATE 01.08.22

*On behalf of Stonewater 2 Ltd

OR

CERTIFICATE B

I certify that:

1. I have / The applicant has* given the required 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 relates was enforceable, as listed below:

Name of person on
whom notice served

Address at which notice was
served

Date on which
notice was served

SIGNED _____ DATE _____

*On behalf of _____

NOTES

* Delete where inappropriate

OR

(P.T.O.)

Town and Country Planning Act 1990 (Section 106A)

Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

CERTIFICATE UNDER REGULATION 4

CERTIFICATE C

I certify that:

1. I / The applicant* cannot complete a Certificate A or B in respect of the accompanying application;
2. I have / The applicant has* given notice to the persons listed below, being persons against whom, on the day 21 days before the date of the accompanying application the planning obligation to which the application relates was enforceable.

Name of person on
whom notice served

Address at which notice was
served

Date on which
notice was served

-
3. I have / The applicant has* taken reasonable steps to ascertain the name and address of every person whom, on the day 21 days before the date of the accompanying application, the planning obligation to which the application relates was enforceable and who has not been given notice of the application: These steps were as follows: (a)

Notice of the application to modify or discharge a planning obligation has been published on the (b)

In the (c)

(attach a copy of the notice).

SIGNED DATE

*On behalf of

NOTES

* Delete where inappropriate

- (a) description of steps taken
- (b) date of publication
- (c) name of newspaper in which the notices was published

Town and Country Planning Act 1990 (Section 106A)**Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992****Notice of an Application to Modify or Discharge a Planning Obligation**I GIVE NOTICE that (a) Stonewater 2 Ltdis applying to HORSHAM DISTRICT COUNCIL to modify ~~/discharge~~* the planning obligation described below:**PLANNING OBLIGATION**Obligation description: (b) S106 Legal Ref: PS/PAG/1218Planning Application Ref: DC/16/0728Sec 106-2279Development Management South Committee 16th August 2016 DCS/33Address of site: (c) LAND ADJACENT RAILWAY COTTAGES AND PULBOROUGH RAILWAY STATION,
STOPHAM ROAD, PULBOROUGH, WEST SUSSEX RH20 1DPObligation date: (d) 12.11.2018

Any person against whom the planning obligation is enforceable who wishes to make representations about this application should make them in writing to the Planning Department, Horsham District Council, Park North, North Street, Horsham, West Sussex, RH12 1RL by:

(e) Monday 21st August 2022Signed Tracey Ogbourne  Date 01.08.22*On behalf of Stonewater 2 Ltd**NOTES**

- (a) Insert name of applicant.
- (b) Insert a brief description of the planning obligation which the applicant wishes to modify or discharge
- (c) Insert address or location of land to which the planning obligation relates.
- (d) Insert date that the obligation was entered into
- (e) Insert date giving a period of 21 days beginning with the date of service of this notice

* Delete where in appropriate.