STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

APPLICATION TO VARY A S106 PLANNING OBLIGATION

Please Return to:
Planning Application Services
Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Application Number:

Received:

Pre Application discussions

Have you had any discussions / correspondence with Planning Application Services about this proposal?

YES/NO

If YES: Officer Name ..... Our Reference .....

1. APPLICANT

Name John Pointon + Sons Ltd
Address Bones Lane
Cheddleton
Staffordshire
Postcode ST13 7BH
Tel: 01782 550 115 Fax: 01782 559 005
E-Mail.....

2. AGENT

Name SAMMONS ARCHITECTURAL LTD
Address 10 CANDRY BUILDINGS
FOUNTAIN STREET
LEEK
STAFFORDSHIRE
Postcode ST13 6JP
Tel: 01538 386 002 Fax:
E-Mail info@sammonsltd.co.uk

3. ADDRESS OF LAND OR BUILDING(S) TO WHICH THIS APPLICATION RELATES

The boundary of the site must be shown in red on a site plan

Address FORMER STAFFS FARMERS SITE
CHEADLE ROAD
CHEDDLETON

Postcode .....

4. APPLICANT'S INTEREST IN THE LAND

ie: freeholder, tenant, prospective purchaser etc. OWNER.

I ~~/ we~~ have completed an ownership certificate A,B or C as appropriate and attach it to this application

5. DETAILS OF PLANNING OBLIGATION TO BE MODIFIED/DISCHARGED

REMOVE SECTIONS 1, 2 & 3 from Phase 4

THEN RE-NUMBER NO. 4 & 5 TO 1 & 2 respectively.

S.106 ATTACHED TO PLANNING APPLICATION SMD/2008/0936 (08/01715/FUL-MJ)

Date of Obligation ..... 22, NOVEMBER 2012.....

NB. ORIGINAL 29 JUNE 2010.

6. REASON(S) FOR APPLYING FOR VARIATION

WHEN APPLYING FOR THE VARIATION THAT WAS PUT BEFORE PLANNING COMMITTE ON APRIL 2012 THE IMPACT THAT THE NPPF WOULD HAVE WAS RELATIVELY UNKNOWN.

THE NPPF DEMANDS THAT COUNCIL'S HAVE A 5 YEAR SUPPLY OF DELIVERABLE HOUSING SITES AND CURRENTLY SMDC CAN ONLY DEMONSTRATE A FIGURE OF 1.54 YEARS.

SINCE THE FIRST PUBLICATION OF THE NPPF ON 27th MARCH 2012 THE COUNCIL HAS BEEN WORKING ON DOCUMENTS TO FIND SUITABLE SITES FOR RESIDENTIAL DEVELOPMENT. THIS HAS RESULTED IN THE SHLAA AND GREEN BELT REVIEW THAT ARE CURRENTLY AT CONSULTATION.

POINTS 1, 2, 3 OF PHASE 4 ARE PREVENTING THIS BROWNFIELD SITE BEING CONSIDERED FOR DEVELOPMENT, WHEN NEIGHBOURING GREENFIELD SITES ARE, WHICH IS NOT SUSTAINABLE

7. Financial viability

Have you submitted a financial viability statement with this application? YES/NO/NOT APPLICABLE

If YES: Who has certified this as true and correct .....

8. APPLYING FOR PERMISSION

I/we apply to vary a planning obligation as described in this application.

Signed ..... Date ..... 19/5/16 .....

On behalf of ..... John Pointon & Sons ..... (fill in applicant(s) name if signed by agent).

* NB. WHEN THIS LEGAL AGREEMENT WAS SIGNED IT WAS IN A DIFFERENT CLIMATE IN PLANNING TERMS. THE REMOVAL OF SECTIONS 1, 2 & 3 OF PHASE 4 WOULD ALLOW THE DEVELOPMENT OF A BROWNFIELD SITE TO CONTRIBUTE TO THE HOUSING NUMBERS OF SMDC, RATHER THAN LOSING GREENFIELD SITES UNNECESSARILY WHICH IS A MORE SUSTAINABLE APPROACH. *

SCHEDULE Regulation 4(5)

PRESCRIBED NOTICES AND CERTIFICATES

PART 1

NOTICE OF AN APPLICATION TO MODIFY OR DISCHARGE A PLANNING OBLIGATION UNDER SECTION 106A OF THE TOWN AND COUNTRY PLANNING ACT 1990

(Notice to be given by applicant)

I give notice that (a) JOHN POINTON & SONS Ltd
is applying to the (b) STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
to modify/discharge* the planning obligation described below

Planning Obligation

Obligation: (c) SMD/2008/00936 (08/01715/FUL-MD) PHASE 4, REMOVE 1,2&3 + RE-NUMBER 4&5
Land to which obligation relates: (d) LAND KNOWN AS STAFFORDSHIRE FARMERS
Date on which obligation was entered into: (e) 29/6/10 then AMENDED ON 22 NOVEMBER 2012

+Any person against whom the planning obligation is enforceable who wishes to make representations about this application should write to the Council at (f) by (g). (Members of the public will be invited to make representations when the application has been submitted to the Council)

Signed .....

*On behalf of JOHN POINTONS AND SONS Ltd

Date 19/5/16.

*delete as appropriate

NOTES

Insert–

(a) name of the applicant
(b) name of the local planning authority to whom the application will be made
(c) brief description of the planning obligation which the applicant wishes to have modified or discharged
(d) address or location of the land
(e) relevant date
(f) address of the local planning authority
(g) date giving a period of 21 days beginning with the date of service or publication of the notice, as the case may be.

Regulation 4(5)

PART 2

CERTIFICATE OF COMPLIANCE WITH THE NOTIFICATION REQUIREMENTS IN REGULATION 4

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.....

*On behalf of..JOHN POINTONS & SONS Ltd

Date.....19/5/16.....

*delete where inappropriate

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 relates was enforceable, as listed below.

Person on whom notice was served	*Address at which notice was served*	*Date on which notice was served*

Signed.....

*On behalf of.....

Date.....

*delete where inappropriate

Certificate C

I certify that:

- the applicant cannot issue a Certificate A or B in respect of the accompanying application;
- *the applicant has given notice to the persons listed below, being persons against whom, on the day 21 days before the date of the application, the planning obligation to which the application relates was enforceable

Person on whom notice was served	*Address at which notice was served*	*Date on which notice was served*

- The applicant has taken reasonable steps to ascertain the name and address of every person against whom, on the day 21 days before the date of the application, the planning obligation to which the 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)
- Notice of the application, as attached to this certificate, has been published in the (b) on (c).

Signed.....

*On behalf of.....

Date.....

*delete where inappropriate

NOTES

Insert–

(a) description of steps taken

(b) name of local newspaper in which the notice was published

(c) date of publication.