TOWN AND COUNTRY PLANNING ACT 1990, sect. 106A

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

For the Council's use only
Application No.....
Date received .....

APPLICATION FOR THE MODIFICATION OR DISCHARGE OF PLANNING OBLIGATIONS

1 Applicant *(in block capitals)*

Name: LOVEGATE DEVELOPMENTS LIMITED

Address: SAYS END ROAD, MOULTON SAYS END, SPALDING, LINCOLNSHIRE

Post Code PE12 6UX

Tel. No: 01406 373438

2 Agent *(if any)*

Name: ANDREW M WRIGHT LTD

Address: 26 TOYS BANK, HOLBEACH ST JOHNS, SPALDING, LINCOLNSHIRE

Post Code PE12 8SD

Tel. No: 07940 914778

3 Address or exact location of the land to which this application relates:

WIGNALLS GATE, HOLBEACH, SPALDING.

Describe here and enclose a map identifying the land to which the obligation relates.

4 Nature of applicant's interest in the land *(eg owner, lessee, occupier)*:

OWNER

5 Please give sufficient information to enable the authority to identify the planning obligation which you wish to have modified or discharged :

THE SECTION 106 AGREEMENT RELATING TO:-

H09-0324-17

H09-0872-18

H19-1178-19

6 Please state your reasons for applying for the modification or discharge of the planning obligation identified in paragraph **5** above :

The planning application Concerned relates to the timings of payments to be made to education & Health within the Section 106 Agreement. We are not looking to reduce the amount of our required contribution: We are however looking to move the triggers to facilitate our ability to continue with the development and deliver of the Section 106 Homes to South Holland District Council. This need has arisen due to slightly reduced Sales expectations as well as reduced programme capacity Caused due to the Covid 19 pandemic.

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7 Please give the following information, which the authority considers necessary to enable it to determine the application, namely:

We would like to remove the trigger from all payable upon occupation of the 38th Property (50%) and have the Revised triggers as follows:—

25% of the Charges Payable upon occupation of the 58th Dwelling.
50% of the Charges Payable upon occupation of the 70th Dwelling
25% of the Charges Payable upon occupation of the 76th Dwelling.

Furthermore this would allow us to remove the liability from phase 2 and in doing so allow us to borrow at 6.5% LIBOR (minimum borrowing Rate). It will also allow us to deliver the next 7 Section 106 Dwelling in phase 2 to South Holland District Council As Planned.

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8 Please give any other information you consider relevant to the determination of this application (continue on a separate sheet if necessary) We are looking to have the additional borrowing facility available to us by the end of February to allow phase 2 works to Continue. We would therefore hope that you would Confirm the above is acceptable prior to this time as we are unable to borrow funds in excess of 65% LTD.
We have attached on a seperate sheet the breakdown of the funding amount being offered & Sold.

I/We hereby apply for the modification or discharge of a planning obligation under section 160A of the Town and Country Planning Act 1990 in respect of an existing planning obligation described in this application and the documents and map which accompany it. I/We have completed the Certificate A, B or C, attached to this application, as appropriate.

Signed: [redacted]

[on behalf of] Lovell Partnerships

(insert name of applicant if signed by agent)

Date 19/1/2022

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 [redacted]

[on behalf of] Lease Lord Broadmoor Limited

Date 19/1/22

Certificate B

I certify that [I have] [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 .....

Cross out any words in square brackets which do not apply

CONTINUED OVERLEAF

Certificate C

I certify that

[I] [the applicant] cannot issue a Certificate A or B in respect of the accompanying application;

[[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 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*

]

[I have] [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 .....

Cross out any words in square brackets which do not apply

(a) description of steps taken

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

(c) date of publication.

TOWN AND COUNTRY PLANNING ACT 1990, sect. 106A

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

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) Lossgate Developments Limited

is applying to the (b) South Holland District Council

to [modify][discharge] the planning obligation described below

Planning Obligation

Obligation(c): Payment of the Education & NHS Health Contributions contained within the Section 106 Agreement.

Land to which obligation relates(d): Wignalls Gate, Holbeach.

Date on which obligation was entered into(e): 14/8/2018

Any person against whom the planning obligation is enforceable who wishes to make representations about this application should write to the Council at (f)

South Holland District Council, Council Offices, Priory Road,

by (g) Spalding, PE11 2XE

(Members of the public will be invited to make representations when the application has been submitted to the Council)

Signed [redacted]

[On behalf of] Lossgate Developments Limited

Date 19/1/2021

NOTES

Delete words in square brackets where inappropriate

(a) name of the applicant
(b) name of 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 period of 21 days beginning with the date of service or publication of the notice, as the case may be.

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