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. H09/0614/99
Date received 21 JUN 1999

APPLICATION FOR THE MODIFICATION OR DISCHARGE OF PLANNING OBLIGATIONS

OFFICE COPY

1 Applicant *(in block capitals)*

Name: BRIAN LEONARD WARD AND PATRICIA MARJORIE WARD

Address: DAMGATE ROAD. HOLBEACH FEN
SPALDING LINCS.

Post Code PE12 8PR

Tel. No:

2 Agent *(if any)*

Name: D. S. VENNI

Address: 2 HARWOOD AVENUE
HOLBEACH

Post Code PE12 7HY

01406
Tel. No: 422791

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

NURSERY, DWELLING AND LAND AT DAMGATE ROAD. HOLBEACH FEN

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

NURSERY AND DWELLING ON LAND EDGED RED.

AGRICULTURAL LAND EDGED BLUE ON THE AGREEMENT DATED 2. 2. 1989.

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

OWNERS

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

AGREEMENT UNDER SECTION 52 OF TOWN + COUNTRY PLANNING ACT 1971 BETWEEN SOUTH HOLLAND DIS. COUNCIL AND THE APPLICANTS DATED 2ND FEBRUARY 1989 SECOND PAGE PARA. 2. DELETION OF "AND THE BLUE LAND OF WHICH IT FORMS AN INTEGRAL PART" AND NOW EDGED RED ON THE PLAN ATTACHED.

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

THE "BLUE LAND" HAS NEVER BEEN OCCUPIED BY THE OWNERS AND THEY WISH TO SELL THAT LAND TO RELEASE SOME CAPITAL. SUCH A SALE WOULD NOT IMPAIR THE VIABILITY OF THE NURSERY. AS CONFIRMED BY LETTER DATED 25.3.99 FROM LRM CONSULTANCY ATTACHED

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

LETTER FROM LRM CONSULTANCY DATED 25.3.99 CONFIRMING REMAINING HOLDING CONSISTING OF 64.000 SQ. FT. OF GLASS WOULD REMAIN VIABLE.

THE LAND EDGED BLUE HAS BEEN FARMED SINCE AQUISITION BY JOHN DOUBLEDAY BY INFORMAL AGREEMENT CONFIRMED BY LETTER DATED 28.5.99 FROM HIM

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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)*

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: .....

[on behalf of] BRIAN H WARD AND PATRICIA M WARD

(insert name of applicant if signed by agent)

Date 14th June 1999

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] Barnet L Ward . Mr Planning & Ward

Date 14TH JUNE 1999

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*
NONE		

Signed .....

[on behalf of] Barnet L Ward . Mr Planning & Ward

Date 14TH JUNE 99

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) BRIAN LEONARD WARD AND PATRICIA MARJORIE WARD

is applying to the (b) SOUTH HOLLAND DISTRICT COUNCIL

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

Planning Obligation

Obligation(c): AGREEMENT UNDER SECTION 52 OF TOWN AND COUNTRY PLANNING ACT 1971 BETWEEN SOUTH HOLLAND DIS. CNCL AND APPLICANTS DATED 2ND FEBRUARY 1989

Land to which obligation relates(d): LAND DAMGATE ROAD HOLBEACH FEN O.S. NO. TF3624 5409

Date on which obligation was entered into(e): 2ND. FEBRUARY 1989

Any person against whom the planning obligation is enforceable who wishes to make representations about this application should write to the Council at (f) PRIORY ROAD SPALDING LINCS. PE11 2XE

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] BRIAN L WARD - MRS PATRICIA M WARD

Date 14th June 1999

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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