

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: Postland Developments Limited

Address: Poplar Farm, Wisbech Road, Coates, Whittlesey, Peterborough, Cambs

Post Code PE7 2DU

Tel. No: 01733 841931

2 Agent (if any)

Name:

Address:

Post Code

Tel. No:

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

Land South: Roman Road Moulton Chapel Spalding as per planning reference H13-1096-19

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

See appendix 1 of the Attached Viability report.

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

Developer

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

The affordable dwellings obligation i.e to deliver 25% of the total number of dwellings in the developments as affordable houses as denoted in the s106 Agreement dated 24th of September 2018 with SHDC Reference: LD/H13-0844-17

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

After being granted an approval on our reserved matters application the company subsequently approached registered providers to buy the 15 dwellings but was turned down by the vast majority and only received two offers. Both of which didn't cover the costs of supplying the dwellings using historic figures, let alone using forecast figures of the post COVID-19, post Brexit market we'll be building in late 2020/early 2021. The company also discovered a rising main (1.5m deep) and fowl main (4.5m deep) cutting across five of its plots which will either be lost or these mains diverted at significant cost. Both of which were seemingly unknown to the landowner, and missed by our surveyors until recently. The site entrance is an old car garage and petrol station requiring various decontamination works. Finally the company received back its initial service quote of electric and the site requires a sub-station at significant cost again.

These abnormalities and the uncompetitive, undeliverable quotes we received on the 15 dwellings forced the company to reassess the site and check its viability for the first time using the HCAs appraisal tool. The results showed a clear deficit using market averages, which are actually lower than our costs as our buying power is still that of a small builder, given this is the first large site we've undertaken. And given the complete unknown of what will happen to house prices in 2021/2022/2023 we have to make sure there is margin there to absorb the unforeseen - which there is not.

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

Viability Assessment attached - please contact David Hickson or Brent Warner of Postland should you require any further information.

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:  David Hickson, Accounts Manager

[on behalf of] Postland Developments Limited
(insert name of applicant if signed by agent)

Date 17/06/2020

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]

Date 17/06/2020

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.

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) Postland Developments Limited
is applying to the (b) South Holland District Council
to [modify][discharge] the planning obligation described below

Planning Obligation

Obligation(c):

The affordable dwellings obligation i.e to deliver 25% of the total number of dwellings in the developments as affordable houses as denoted in the s106 Agreement dated 24th of September 2018 with SHDC Reference: LD/H13-0844-17

Land to which obligation relates(d):

Land South: Roman Road Moulton Chapel Spalding as per planning reference H13-1096-19

Date on which obligation was entered into(e): 24th September 2018 by Selling Landowner

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]

Postland Developments Limited

Date 17/06/2020

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.