

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: SAGE HOUSING LIMITED

Address: ORION HOUSE, 5 UPPER ST MARTIN'S LANE,
LONDON

Post Code WC2H 9EA

Tel. No: (SEE AGENTS DETAILS BELOW)

2 Agent (if any)

Name: BEVAN BRITTAN,LLP

Address: FLEET PLACE HOUSE, 2 FLEET PLACE, HIGH HOLBORN, LONDON

Post Code EC4M 7RF

Tel. No: 07741 072733

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

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

SITE 3194, RED MILE NURSERY, SPALDING (SEE PLAN ATTACHED)

4 Nature of applicant's interest in the land (eg owner, lessee, occupier): THE APPLICANT HAS EXCHANGED A CONTRACT FOR THE PURCHASE OF THE LAND WITH THE CURRENT OWNER OF THE LAND (BELLWAY HOMES LIMITED) UNDER WHICH THE APPLICANT WILL BECOME THE OWNER OF THE LAND

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

THE APPLICANT IS APPLYING TO VARY THE MORTGAGEE EXCLUSION CLAUSE AND THE RECYCLING PROVISIONS CONTAINED IN THE SECTION 106 AGREEMENT - SEE ATTACHED DRAFT DEED OF VARIATION

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

THE REASON FOR APPLYING FOR THE MODIFICATION IS TO MAKE THE TERMS OF THE SECTION 106 AGREEMENT ACCEPTABLE TO THE APPLICANT'S LENDER

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

FOR FURTHER INFORMATION REGARDING OUR APPLICATION PLEASE REVIEW THE DRAFT DEED OF VARIATION AND CONTACT OUR SOLICITORS (DETAILS PROVIDED ABOVE AS "AGENT")

8 Please give any other information you consider relevant to the determination of this application
(continue on a separate sheet if necessary)

FOR FURTHER INFORMATION REGARDING OUR APPLICATION PLEASE REVIEW THE DRAFT DEED OF VARIATION AND CONTACT OUR SOLICITORS (DETAILS PROVIDED ABOVE AS "AGENT")

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] BEVAN BRITTAN LLP ON BEHALF OF SAGE HOUSING LIMITED

(insert name of applicant if signed by agent)

Date 12 AUGUST 2021

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

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.

<i>Person on whom notice was served</i>	<i>Address at which notice was served</i>	<i>Date on which notice was served</i>
BELLWAY HOMES (EASTERN COUNTIES) LIMITED	VIA THEIR SOLICITOR	4 AUGUST 2021

Signed
[on behalf of] BEVAN BRITTAN LLP
ON BEHALF OF SAGE HOUSING LIMITED.....
Date 12 AUGUST 2021

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)
is applying to the (b)
to [modify][discharge] the planning obligation described below

Planning Obligation

Obligation(c):

Land to which obligation relates(d):

Date on which obligation was entered into(e):

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]

Date

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.