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: Accent Housing Limited

Address: Scorex House
1 Bolton Road
Bradford
Post Code BD1 4AS

Tel. No: .....

2 Agent *(if any)*

Name: .....

Address: .....

.....

..... Post Code .....

Tel. No: .....

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.

1) Land at Millfield Nursery Spalding Common dated 5th March 2018 m/b South Holland DC and Jojos Beheer B.V..

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 :

Please see above

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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 :

SHDC's standard wording is such that the definition of an Affordable Dwelling is that an Affordable Dwelling rented to an eligible household by a local authority or registered provider subject to rent controls that require a rent of no more than 80% of the local market (including service charges, where applicable) and where the rent and service charge must not exceed the Local Housing Allowance for the area which is reviewed annually and 'Affordable Rent' should be construed accordingly. This makes the assumption that LHA rents are review annually which they are not and there is no subsequent clause in the agreement that says the tenancy is subject to one annual rent review per year. The applicant wishes to vary the above. S106 agreements such that rent increases can be applied annually in line with Accent policy and not in line with LHA rate changes which are sporadic.

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

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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: P Barham

[on behalf of] Accent Housing Limited

(insert name of applicant if signed by agent)

Date 16th July 2024

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 Paul Barham

[on behalf of] Accent Housing Limited

Date 16th July 2024

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 applcation 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.

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