H16-0701-11

Lincolnshire COUNTY COUNCIL

09 SEP 2011
Planning Services

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Application for removal or variation of a condition following grant of planning permission. Town and Country Planning Act 1990. Planning (Listed Buildings and Conservation Areas) Act 1990

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Publication of applications on planning authority websites.
Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title: | First name: Ian | Surname: Mitchell

Company name: Allison Homes Eastern Limited

Street address: Tempsford Hall

Town/City: Sandy

County: Bedfordshire

Country: UK

Postcode: SG19 2BD

	Country Code	National Number	Extension Number
Telephone number:			
Mobile number:			
Fax number:			

Email address:

Are you an agent acting on behalf of the applicant? (•) Yes ( ) No

2. Agent Name, Address and Contact Details

Title: | First Name: Amy | Surname: Truman

Company name: DLA Piper

Street address: Victoria Square House, Victoria Square

Town/City: Birmingham

County:

Country:

Postcode: B2 4DL

	Country Code	National Number	Extension Number
Telephone number:		01212625879	
Mobile number:			
Fax number:			

Email address: amy.truman@dlapiper.com

3. Site Address Details

Full postal address of the site (including full postcode where available)

House: | Suffix:

House name:

Street address: Woolram Gate

Wygate Park

Town/City: Spalding

County: Lincolnshire

Postcode:

Description of location or a grid reference
(must be completed if postcode is not known):

Easting: 523611

Northing: 323018

Description:

Development at Woolram Gate, Wygate Park, Spalding

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? (•) Yes ( ) No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title: | First name: Steve | Surname: Mason

Reference: PTM/SJM/Wygate Park

Date (DD/MM/YYYY): 18/07/2011 (Must be pre-application submission)

Details of the pre-application advice received:

Discussions with Steve Mason regarding the County Council's requirements for education provision on this site.
Discussions with Stuart Tym about drafting of proposed variation to agreement

5. Description of Proposal

Please provide a description of the approved development as shown on the decision letter:

Erection of residential estate development, incorporating public open space, footpaths and cycleways on land west of Woolram Wygate, Wygate Park (south), Spalding, Lincolnshire
This is an application for the modification of a section 106 agreement under s.106A Town and Country Planning Act 1990 ("TCPA"), not an application under s.73 TCPA

Application reference number: H16/0578/01 | Date of decision: 06/11/2003

Please state the condition number(s) to which this application relates:

Condition number(s):

This does not relate to a condition, but to a modification of a section 106 agreement (pursuant to s.106A TCPA).
The section 106 agreement to be modified was made between (1) South Holland District Council (2) Lincolnshire County Council (3) Allison Homes (Eastern) Limited (4) Richard Walter Lewis and David Hicken and (5) Francis Brown Hanson, dated 23 May 2003

Has the development already started? (•) Yes ( ) No If Yes, please state when the development was started: 01/08/2004

Has the development been completed? ( ) Yes (•) No

6. Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed:

This application is made following discussions between the applicant and education officers at the County Council. The application for the modification of the s.106 agreement (pursuant to s.106A TCPA) is made because the County Council now has lower requirements for the area of the site to be transferred and used as a school, and therefore the applicant wishes for the remainder of the site to be released. Therefore, the specification of the extent of the school site is to be varied. Furthermore, the repayment provision for the education contribution is currently stated at 1 July 2013, which will not enable the County Council to have sufficient time to utilise this money. Therefore, the agreement is to be varied to extend this prepayment date. Finally, the land set aside as a school site may be used for school playing pitches rather than only for the construction of a school.

If you wish the existing condition to be changed, please state how you wish the condition to be varied:

The definition of "School Site" to be deleted and replaced with "an area of 1ha within the Application Land in a location to be agreed with the District Council as Planning Authority and County Council but having at least one boundary contiguous with the boundary of the Urban Park Land and being as close as reasonably practical to the Spalding Primary School and to be selected in accordance with the criteria in Schedule 8"
Clause 20.1.2 to be deleted and replaced with "In the event of the County Council calling for a transfer of the School Site pursuant to Clause 19.1.6 but not either letting a contract for the construction of a school on the School Site or using the School Site for a sport use in connection with the existing (or a successor to) Spalding Primary School by 1 January 2018 or within five years of the transfer of the School Site whichever is the latest then the County Council shall transfer back the School Site to the party by whom it was transferred such transfer to be for nominal consideration and free from encumbrances save for those existing at the date of this Agreement."
Clause 20.1.3 to be deleted and replaced with "that the Education Contribution shall be held by the County Council in an interest bearing account and the Education Contribution or any part thereof which shall remain unspent for the purposes specified 2 years from the date of the final payment of the Education Contribution to the County Council further to the phased payments agreed by Clause 19.1.4 shall be repaid to the Developer or such person as shall have made the payment together with all such interest that shall have accrued thereon".
In Schedule 6 paragraph 2 after the words "...will covenant in the transfer to use the School Site only for" and before the words "the construction of and use as a school..." to add the words "either the use as a school playing field in connection with the existing (or a successor to) Spalding Primary School or for"

7. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? (•) Yes ( ) No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

( ) The agent (•) The applicant ( ) Other person

8. Certificates (Certificate B)

Certificate of Ownership - Certificate B
Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner *(owner is a person with a freehold interest or leasehold interest with at least 7 years left to run)* of any part of the land or building to which this application relates.

Notice recipient		Date notice served
Name	Taylor Wimpey	05/08/2011
Number:	Suffix:	
Street:	Gate House, Turnpike road	
Locality:		
Town:	High Wycombe	
Postcode:	HP12 3NR	

Title: Mrs First name: Amy Surname: Truman

Person role: Agent Declaration date: 05/08/2011 ☒ Declaration made

8. Certificates (Agricultural Land Declaration)

Agricultural Land Declaration
Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

Agricultural Land Declaration - You Must Complete Either A or B
(A) None of the land to which the application relates is, or is part of an agricultural holding. (•)

(B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below: ( )

If any part of the land is an agricultural holding, of which the applicant is the sole tenant, the applicant should complete part (B) of the form by writing 'sole tenant - not applicable' in the first column of the table below

Title: Mrs First Name: Amy Surname: Truman

Person role: Applicant Declaration date: 05/08/2011 ☒ Declaration Made

9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. ☒

Date 05/08/2011