

Application to modify or discharge a section 106 Planning Obligation Town and Country Planning Act 1990

Please use this form when applying for the modification or discharge of a planning obligation to Havant Borough Council.

For further information refer to the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992.

1. Type of application

Are you applying to **modify** a planning obligation

☒ Yes ☐ No

Are you applying to **discharge** a planning obligation

☐ Yes ☐ No

2. Your details

Name: MR EDWARD TILL

Address: ASTER COMMUNITIES

TESTWAY HOUSE

GREENWICH WAY

ANDOVER

Postcode: SP10 4BF

Email address: Edward.Till@aster.co.uk

Daytime tel no: 07711 425474

3. Agent details if applicable

Name: MS JADE LYNS

Address: CLARKE WILLMOTT LLP

BLACKBROOK GATE

BLACKBROOK PARK AVENUE

Postcode: TA1 2PL

Email address: Jade.Lyns@clarkewillmott.com

Contact name: JADE LYNS

Daytime tel no: 0345 209 1667

4. Full postal address of the site to which the obligation relates:

LAND SOUTH OF BARTONS ROAD, HAVANT

5. Nature of the applicant's interest in the land:

INTENDED PURCHASER OF THE AFFORDABLE HOUSING UNITS (REGISTERED PROVIDER)

6. Please provide sufficient information to enable us to identify the planning obligation (planning reference numbers, etc) and the particular obligation(s) to be modified/changed:

BETWEEN (1) PHILIP DYMOKO WHITE, FIONA ELIZABETH WHITE & ALEXANDER STUART DYMOKO WHITE, (2) THE COUNCIL OF THE BOROUGH OF HAVANT, AND (3) HAMPSHIRE COUNTY COUNCIL DATED 23 NOVEMBER 2016 AND COMPLETED IN RELATION TO APP REF APP/15/01435.

7. What reason(s) do you have for applying for the modification or discharge of the obligation?

- TO UPDATE THE MORTGAGEE EXEMPTION CLAUSE TO ENSURE THAT THE AGREEMENT WILL BE SATISFACTORY TO LENDERS.
- TO ENSURE THAT THE PROVISIONS DO NOT PREVENT THE REGISTERED PROVIDER FROM BEING ABLE TO CHARGE THE AFFORDABLE HOUSING UNITS.
- TO REMOVE THE AFFORDABILITY TEST AS THIS IS UNWORKABLE FOR THE REGISTERED PROVIDER AND TO REPLACE WITH AN OBLIGATION TO ENSURE THAT THE SHARED OWNERSHIP UNITS WILL BE LET TO PERSONS NOMINATED BY THE HELP TO BUY AGENCY.
- TO ENSURE THAT OTHER THAN THE AFFORDABLE HOUSING OBLIGATIONS, THE OBLIGATIONS WILL NOT BE ENFORCEABLE AGAINST THE REGISTERED PROVIDER.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY)

Clerke Willmott LLP

04/02/2019

Checklist:

Please tick

A 1 copy of this form, signed and dated



B 1 copy of a map identifying the land to which the obligation relates



C 1 copy of such other information as you consider relevant to the determination of the application



Please note that the information provided on this application form and in supporting documents may be published on our website. If you require any further clarification, please contact the Authority's planning department. We may check information that you provide on this form for the prevention or detect or crime/fraud. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes, but will not disclose information about you to anyone outside the Council unless the law permits us to. The Council is registered under the Data Protection Act 1998 for these purposes and is the Data Controller. If you want to know more about what information we have about you, or the way we use this information, please write to the Council's Data Protection Officer.