

DATED

7th MAY

2015

SEAVIEW ESTATES LIMITED

(1)

and

THE COUNCIL OF THE BOROUGH OF HAVANT

(2)

DEED OF VARIATION OF AGREEMENT

Pursuant to Section 106A of the Town and Country Planning Act 1990
Relating to land at 158 Hart Plain Avenue Waterlooville
in Hampshire

Mrs J Barden-Hernandez
Solicitor to the Council
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant, Hampshire
PO9 2AX

THIS DEED OF VARIATION is made the *7th* day of *MAY* 2015

BETWEEN

- (1) SEAVIEW ESTATES LIMITED incorporated and registered in England and Wales with Company Number 02852752 and whose registered office is at 63 Castle Road Southsea Hampshire PO5 3AY ("the Owner")
- (2) THE COUNCIL OF THE BOROUGH OF HAVANT of Civic Offices Civic Centre Road Havant Hampshire PO9 2AX ("the Council")

WHEREAS:

- A. This Deed is supplemental to a Deed of Agreement dated 5 April 2013 made pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) Section 111 of the Local Government Act 1972 Section 2 of the Local Government Act 2000 and any other enabling powers between 158 Hart Plain Avenue Limited ("the Former Owner") (1) and the Council (2) in relation to the development of land at 158 Hart Plain Avenue Waterlooville in Hampshire under planning application APP/12/00860 ("the Section 106 Agreement")
- B. The Owner is now the freehold owner of the land shown edged red on the Plan and the person against whom the Council is entitled to enforce the provisions of the Section 106 Agreement
- C. The Owner has made an application under reference APP/14/00519 to the Council for the Section 106 Agreement to be varied to remove the requirement to provide affordable housing and the Parties hereto agree and consent to the terms of the Section 106 Agreement being varied as hereinafter provided

NOW THIS DEED WITNESSETH as follows:

1. Definitions

- 1.1 Save as otherwise provided words and phrases in this Deed shall have the meanings contained in the Section 106 Agreement.

2 Purpose of Deed

- 2.1 This Deed is supplemental to and varies the Section 106 Agreement.
- 2.2 The Deed is being entered into to remove the Affordable Housing provisions contained within the Section 106 Agreement;
- 2.3 The provisions of this Deed bind the Land (and each and every part of it) the parties and their successors in title save where this Deed expressly provides to the contrary

3 Statutory Authorities

- 3.1 The Council is for the purposes of Sections 106 and 106A of the Act the authority which can enforce the terms of this Agreement
- 3.2 This Deed is made pursuant to the provisions Section 106 and 106A of the 1990 Act Section 111 of the Local Government Act 1972 the Housing Acts and Section 2 of the Local Government Act 2000 and all other powers enabling

4 Variations to the section 106 agreement

- 4.1 The following definitions contained in clause 1 of the Section 106 Agreement shall be deleted:

"Affordable Housing"

"Affordable Housing Land"

"Affordable Housing Units"

"Affordable Housing Provider"

"Affordable Rented Units"

"Chargee"

"Eligible Persons"

"Home Buy Agent"

"Local Connection"

"Low Cost Home Ownership"

"Market Housing Units"

"Rented Units"

"Shared Ownership Units"

- 4.2 Clause 2 of Schedule 1 which for the avoidance of doubt includes 2.0 and 2.1 - 2.9 including all sub clauses, shall be deleted.

5 Agreements and declarations

- 5.1 It is hereby agreed and declared by the parties hereto that the terms of the Section 106 Agreement except as varied by this Deed remain in full force and effect.

6 Local land charge registration

- 6.1 This Deed is registerable by the Council as a local land charge in the Register of Local Land Charges kept by the Council.

7 Legal Costs

- 7.1 The Owner agrees to pay the Council's legal costs of £500 on completion of this deed.

IN WITNESS whereof this Deed has been executed as a Deed by the parties hereto the day and year first before written

Signed as a DEED by SEAVIEW

ESTATES LIMITED *acting by*

a Director FAKID

YOUNG in the

presence of:

)

)

)

)

Director

~~Director/ Secretary~~

Michael Dalton

Solicitor / Consultant

Graeme & Co, Solicitors

Lyndum House

12 High Street

Petersfield

Hampshire, GU32 3JG

EXECUTED as a DEED by affixing

THE COMMON SEAL of

THE COUNCIL OF THE BOROUGH

OF HAVANT

in the presence of:

)

)

)

)

)



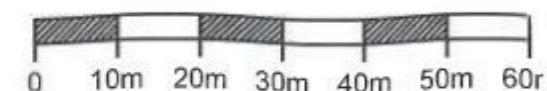
13037



Authorised Signatory

NOTES

1:1250 scale



GENERAL NOTES:

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE OTHER RELEVANT CONSULTANTS DRAWINGS.
2. ALL FINISHES ARE TO CONFORM TO THE CURRENT BUILDING REGULATIONS.
3. REFER TO A SEPARATE DOCUMENT FOR THE DESIGNERS RISK ASSESSMENT.
4. ALL WORKS OR MATERIALS INDICATED ON THIS DRAWING ARE TO BE TO THE LATEST RELEVANT BRITISH STANDARDS AND CARRIED OUT IN ACCORDANCE WITH THE BRITISH STANDARDS CODES OF PRACTICE OR RECOGNIZED INSTITUTE OR TRADE ASSOCIATION RECOMMENDATIONS AND PUBLICATIONS.

PI	06/06/12	Planning	TH	
Revision	Date	Description	Date	Check

PLC ARCHITECTS
 Brankesmere House
 Queens Crescent, Southsea
 Portsmouth PO5 3HT
 Hampshire England
 Tel: (023) 927 55 333
 Fax: (023) 927 55 222
 E-Mail: admin@plcarchitects.com
 Web: www.plcarchitects.com

Client:
 158 Hart Plain Avenue Ltd

Project:
 Proposed Residential Development
 158 Hart Plain Avenue

Drawing Title:
 Location Plan

Drawn By	TH	Date	AUG 12	Checked By	Date	Approved By	Date
Drawing No.	12-1862-105	Revision	P1	Scale	1:1250 @ A4		

PLC ARCHITECTS © COPYRIGHT RESERVED 2011
 NOT TO BE SCALED. DIMENSIONS TO BE CHECKED ON SITE
 SCALING ONLY FOR LOCAL AUTHORITY PURPOSES

3037