

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

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Yes

☐

No

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

☐

Yes

☒

No

2. Your details

Name:

JEREMY SAMUELS

Address:

[REDACTED ADDRESS]

Postcode:

[REDACTED POSTCODE]

Email address:

[REDACTED EMAIL]

Daytime tel no:

[REDACTED TEL NO]

3. Agent details if applicable

Name:

[REDACTED NAME]

Address:

[REDACTED ADDRESS]

Postcode:

[REDACTED POSTCODE]

Email address:

[REDACTED EMAIL]

Contact name:

[REDACTED CONTACT NAME]

Daytime tel no:

[REDACTED TEL NO]

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

DOLPHIN QUAY, QUEEN STREET, EMSWORTH PO10 7BU

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

OWNER

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:

APP/20/00695

APP/16/00921

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

Due to the exceptional circumstances of COVID-19 and the lockdown earlier this year, I would like to request that the second S106 payment of £77,643.94 (25% of the total) which was due on the 28th August be delayed and paid in full at the end of March 2021.

The timing of the final instalment would remain the same.

As an open-air site we were able to stay open during the lockdown period so long as social distancing was observed. This was however subject to the availability of building supplies and sub-contractors.

Site running costs (prelims, insurance, plant hire etc.) have remained the same but the whole programme has been considerably delayed which has significantly affected overall costs.

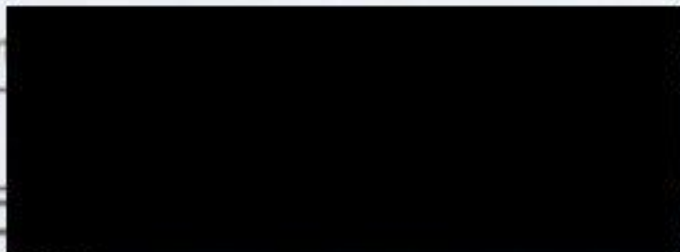
In August I asked for an extension of the second payment until the end of January 2021. I requested this date having taken into consideration a rescheduled building programme having consulted building suppliers and various sub-contractors.

In the event, both suppliers and sub-contractors have not been able to fulfil their expectations and the end of January has proved an over-optimistic date.

We exchanged contracts last December for the sale of one of the properties with completion set for when that unit is finished and all the Pre-habitation Planning Conditions have been fulfilled.

I now request that the second S.106 payment be postponed until the 31st of March or the completion of the sale of the first unit, whichever comes first.

By the 31st of March Dolphin Quay LLP, via a related company, will be in a position to make this second payment even if the sale has not completed and this is therefore a long-stop date and a further delay will not be requested.

Signature:  Or signed - Agent:

Date (DD/MM/YYYY)

25/10/2020

Checklist:

Please tick

A 1 copy of this form, signed and dated

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

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

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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.