South Tyneside Council

Application to Modify or Discharge Section 106 Planning Obligation

The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

If returning by post, please send to:

Development Management
South Tyneside Council
Town Hall & Civic Offices
Westoe Road
South Shields
NE33 2RL

Office Use Only	
Reference Number	
Received Date	

Tel: 0191 424 7421
Email: planningapplications@southtyneside.gov.uk

Complete the form in block capitals using black ink.

Please supply a copy of the Official Title Plan of Land Registry to which the land and S106 agreement relates.

1. Your details

Name:	**Siemens PLC**
Address:	**C/O Agent**
Post Code:	**C/O Agent**
Email Address:	**C/O Agent**
Contact Number:	**C/O Agent**

2. Agent details, if applicable

Name:	**Harriet Humphrey**
Address:	**Montagu Evans LLP** **70 St Mary Axe** **London**
Post Code:	**EC3A 8BE**
Email Address:	**Harriet.humphrey@montagu-evans.co.uk**
Contact Number:	**07826552594**

3. Full postal address of the site to which the obligation relates

Development Site Address:	**Siemens PLC** **North Farm Road** **Hebburn** **NE31 1LX**

4. Nature of the applicant's interest in the land

Landower

5. Please provide sufficient information to enable us to identify the planning obligation (Planning Reference numbers, date of agreement etc.)

Planning Application Reference Number:	**ST/0017/12/FUL**
Date of Agreement:	**23 April 2014**

6. Details of the modifications/discharges sought

Please provide details of the particular modifications and / or discharges of planning obligations sought under this application

Modification of Section 106 Agreement dated 23 April 2014 associated with planning permission reference ST/0017/12/FUL.

The Agreement currently states that in respect of land referred to as Zone B (which lies adjacent to St.Aloysius View and St.Annes Close) such land:

i. **shall not be used other than for the purpose of providing pedestrian and vehicular access associated with the Owner's business on the Retained Land;**
ii. **that no goods, materials, equipment, skips, refuse or any other items shall be stored within that land; and**
iii. **all vehicles using this land to load or unload any goods, equipment, materials or any other items shall be backed up to the loading doors marked 'G' on the Obligation Plan before any loading or unloading commences.**

Modification of the Section 106 Agreement is now sought for the following activities between the hours of 7am and 8pm Monday to Friday within part of Zone B comprising an existing yard area as shown edged in red on submitted drawing no. PD13795-001 Rev A:

i. **Visitor, blue badge and electric vehicle parking within that yard area; and**
ii. **Alteration of delivery/servicing arrangements permitted from within that yard area to allow goods to be walked/trolleyed to/from a dedicated delivery bay in the yard area to building loading doors rather than vehicles having to back up to loading doors before delivery/collection of goods takes place.**

Car parking, delivery bay and delivery drop off points shall be as detailed on submitted drawings CBN3088/42 Rev.D and CBN3088/52 Rev.A.

Please refer to application covering letter for further details.

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

As a result of recent refurbishment works, the main entrance and reception area to the office element of the Siemens facility have been relocated to the northeast elevation of the building. While some car parking already exists at the rear of Shop 8 for use by staff, this is not well suited for visitors to the premises. No existing provision is in place for the charging of electric vehicles. Furthermore, given its distance from the main office entrance, it is not well located for blue badge holders. There is, therefore, a need for separate visitor, blue badge and electric vehicle parking to be provided in close proximity to the main entrance of the building on the northeast elevation.

In addition, the refurbishment works resulted in amendments to the servicing doors and an alternative delivery / servicing strategy is required to facilitate safe deliveries to the catering element of the building.

Please refer to application covering letter for further details.

Checklist: Please tick

- [x] **A** 1 x Original form completed, signed and dated Certificate A ,B or C as applicable
- [x] **B** 1 x Copy of a map identifying the land to which the obligation relates
- [x] **C** 1 x Copy of such other information as you consider relevant to the determination of the application
- [x] **D** 1 x Copy - supply the latest version of the official copies of land registry
- [ ] **E** 1 x Served or published a Notice of application on interested parties

Privacy Notice: For the purposes of Data Protection legislation, South Tyneside Council is the Data Controller. The Council's general privacy notice is held on our website alongside that for the Development Management Service.

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.....[redacted].....

*On behalf of..... Montagu Evans LLP .....

Date..... 5 July 2022 .....

*delete where inappropriate

Certificate B

I certify that 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.....

*delete where inappropriate

Certificate C

I certify that:

- the applicant cannot issue a Certificate A or B in respect of the accompanying application;
- *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*

- 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 application 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.....

*delete where inappropriate

NOTES

Insert–

(a) description of steps taken
(b) name of local newspaper in which the notice was published
(c) date of publication.

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.....

*delete as appropriate

NOTES

Insert–

(a) name of the applicant
(b) name of the 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 a period of 21 days beginning with the date of service or publication of the notice, as the case may be.