



**DATED**

9<sup>th</sup> December

**2014**

SOUTH KESTEVEN DISTRICT COUNCIL (1)

AND

REDROW HOMES LIMITED (2)

**SUPPLEMENTAL SECTION 106 AGREEMENT**

relating to  
land at 113-135 Dysart Road  
(now Newton's Walk)  
Grantham  
Lincolnshire

Legal Services  
South Kesteven District Council  
Council Offices  
St. Peter's Hill  
Grantham  
Lincolnshire  
NG31 6PZ  
Ref: CM/PAG/20971





RTB No  
*Play area off Earlesfield*

Drawn by	Scale	Date
Name	1:2000	18/09/14

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South Kesteven District Council  
 Council Offices  
 St Peters Hill  
 Grantham  
 Leicestershire  
 NG31 7FR

## **2. BACKGROUND**

- 2.1 The Planning Permission was granted on 11<sup>th</sup> November 2003
- 2.2 The Council and the Owner have agreed to enter into this Supplemental Agreement to vary the terms of the Section 106 Agreement as herein provided
- 2.3 Bittern Properties Limited and Helmesley Acceptances Limited (described in the S106 Agreement as "the Owners") parted with their interest in the Land and by virtue of clause 3.1 of the S106 Agreement are no longer bound by the covenants contained in the S106 Agreement and are not party hereto
- 2.4 The Owner is seised of the Land registered with freehold title at H M Land Registry under title number LL221026

## **3. COVENANTS BY THE OWNER**

The covenants on behalf of the Owner in this Supplemental Agreement are given pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and create planning obligations in respect of the Land

## **4. VARIATION OF THE SECTION 106 AGREEMENT**

- 4.1 The Owner has agreed to vary the Section 106 Agreement as appears in this Supplemental Agreement and for the purposes of Section 2 of the Law of Property (Miscellaneous Provisions) Act 1989 the terms and provisions of the Section 106 Agreement are incorporated into this Supplemental Agreement as if expressly set out herein save only as varied in accordance with this Supplemental Agreement

4.2 For the avoidance of any doubt the provisions of the Section 106 Agreement shall continue to have effect save to the extent that they shall be varied by this Supplemental Agreement and the Section 106 Agreement shall be read and construed accordingly

4.3 The Supplemental Agreement will be registered as a local land charge

4.4 The Council and the Owner agree as follows:-

4.4.1 That paragraph 9.3 shall be deleted from the Section 106 Agreement and replaced with the following:-

9.3 The Owners will pay to the Council on completion of this Agreement the sum of £35,000 (Thirty Five Thousand Pounds) which sum will be used by the Council within 5 years from the date of this Supplemental Agreement solely for the purpose of providing installing and maintaining an equipped play area off site on land at Earlesfield Lane Grantham as shown edged green on the Plan

4.4.2 That paragraph 9.5 shall be deleted from the Section 106 Agreement and replaced with the following:-

9.5 On the date of transfer of the Open Space/Recreation Space the Owners will pay to the Council the sum of FIVE THOUSAND THREE HUNDRED AND THIRTY NINE POUNDS (£5,339.00) which sum will be used by the Council solely for the purpose of maintaining the said Open Space/Recreation Space provided pursuant to this Agreement

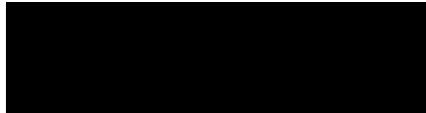
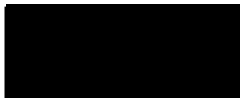
**DELIVERY**

This document is executed as a Deed and is delivered on the date stated at the beginning of this Deed

**THE COMMON SEAL of SOUTH KESTIVEN DISTRICT COUNCIL** was hereunto affixed in the presence of:



SIGNED as a DEED by



As attorney for  
**REDROW HOMES LIMITED**  
in the presence of:-

Witness Signature [Redacted]  
Witness Name (printed) SARAH MOORE  
Address ..... c/o Redrow House  
..... Kinsall Green  
Occupation ..... Wilnecote  
SNR Tamworth  
SECRETARY Staffordshire B77 5PX



SIGNED as a DEED by

MARK MILES

As attorney for  
**REDROW HOMES LIMITED**  
in the presence of:-

Witness Signature .. [Redacted]  
Witness Name (printed) SARAH MOORE  
Address ..... c/o Redrow House  
..... Kinsall Green  
..... Wilnecote  
Occupation ..... Tamworth  
SNR Staffordshire B77 5PX  
SECRETARY