

PLANNING AGREEMENT

DATED 9th December 2019

TENDRING DISTRICT COUNCIL (1)

AND

DOROTHY EVELYN JOHNSON and EDNA KATHLEEN FAIRCLOUGH (2)

AND

INIQUITY LIMITED and ESSEX TRADE MAINTENANCE COMPANY LIMITED and HEPPELL
PROPERTIES LIMITED and EMEX75 LIMITED (3)

MODIFICATION OF
PLANNING OBLIGATION BY AGREEMENT

made pursuant to Section 106 of the Town and Country
Planning Act 1990 (as amended) in relation to a Planning Obligation
by Agreement dated 13 February 2019 relating to the development
of land lying to the east of London Road, Little Clacton, Clacton on Sea, Essex, CO16 9RB

Planning Application: 17/00790/FUL

Fisher Jones Greenwood
Charter Court
Newcomen Way
Colchester CO4 9YA

Ref: EP/222862/1 29/11/2019

THIS MODIFICATION OF A PLANNING OBLIGATION BY AGREEMENT is dated

2019 and made BETWEEN

- (1) **TENDRING DISTRICT COUNCIL** of Council offices, Thorpe Road, Weeley, Essex, CO16 9AJ ("the **Council**");
- (2) **DOROTHY EVELYN JOHNSON** and **EDNA KATHLEEN FAIRCLOUGH** of 59 London Road, Little Clacton, Essex, CO16 9RB (collectively referred to as "the **Owner**"); and
- (3) **INIQUITY LIMITED** (company number 07305468) whose registered office is at 92 Station Road, Clacton on Sea, Essex, CO15 1SG and **ESSEX TRADE MAINTENANCE COMPANY LIMITED** (company number 03948928) whose registered office is at 15 Fairfield Road, Clacton on Sea, Essex, CO15 3QR and **HEPPELL PROPERTIES LIMITED** (company number 08866156) whose registered office is at 43 St Osyth Road, Clacton on Sea, Essex, CO15 3BT and **EMEX75 LIMITED** (company number 10196882) whose registered office is at 92 Station Road, Clacton on Sea, Essex, CO15 1SG (collectively referred to as "the **Developers**")

WHEREAS:-

- A. The Owner has the freehold interest in the site registered at H.M. Land Registry under Title No. EX910716, EX658779 & EX603123 ("the **Site**")
- B. For the purposes of the Town and Country Planning Act 1990 ("the **1990 Act**") the Council are the local planning authority for the area within which the Site is situated
- C. By an Agreement dated 13 February 2019 and made between Tendring District Council (1) Dorothy Evelyn Johnson and Edna Kathleen Fairclough (2) and Iniquity Limited, Essex Trade Maintenance Company Limited and Heppell Properties Limited and Emex75 Limited (3) the Site was made subject to a Planning Obligation ("the **Planning Obligation**") in connection with a planning application reference no. 17/00790/FUL for development of the site for 30 dwellings
- D. The Planning Obligation remains enforceable by the Council and against the Owner

NOW IT IS AGREED as follows:

- 1 This modification of a Planning Obligation by agreement is made pursuant to section 106 of the 1990 Act to the intent that it shall bind the Council and the Owner and their successors in title to each and every part of the Site as provided in those sections
- 2 As from the date hereof the Planning Obligation shall have effect in relation to all the land affected by it but varied as follows:
 - a. the definition of "Completion" in the Schedule shall be deleted and replaced with the following definition: "means completion of twenty nine (29) Dwellings, here being plots 2-30 shown on the Plan, such that they are capable of being Occupied for residential purposes"but otherwise the Planning Obligation shall remain in full force.
- 3 The Owner covenants with the Council to pay on completion hereof the Council's reasonable legal costs incurred in connection with the preparation and completion of this Agreement.
- 4 The Developers hereby consent to the Owner entering into this Agreement and in addition the Developers agree, confirm and acknowledge that their respective interests in the Site shall be bound by the covenants and provisions contained in this Agreement in the event that the Developers (all or any of them) become the freehold owner (or owners) of the Site.





