

Variation of Section 106 Agreement – Land to Rear of 59 & 61 London Road, Little Clacton

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NUMBER:	17/00790/FUL
PROPOSAL:	Proposed development for 30no. detached bungalows including associated roads and access.
LOCATION:	Land to Rear of 59 & 61 London Road, Little Clacton

Proposal

To vary the terms of the Section 106 Legal Agreement dated 13th February 2019 to amend the trigger points relating to the submission of an update viability assessment.

Background

Planning permission was granted on 14th February 2019, subject to Section 106 Agreement dated 13th February 2019. The Section 106 Agreement secures the submission of an updated viability assessment if the development is not commenced within 24 months from the date of planning permission and if within 4 years from the date of planning permission the development is not completed.

Due to delays in commencing the development due to COVID this deed seeks to alter the trigger points for the submission of the updated viability assessment to state the following;

- if commencement of the development does not occur within thirty six (36) calendar months of the date the Planning Permission is granted then the Owner shall not commence the Development unless and until: (a) an up-to-date Viability Assessment has been carried out and submitted to the Council for the Council to evaluate; and (b) the Council has confirmed in writing that the up-to-date Viability Assessment accords with the definition of Viability Assessment herein.


- In the event that Completion does not occur within five (5) years of the date that the Planning Permission was granted then the Owner shall submit an up-to-date Viability Assessment to the Council for the Council to evaluate and confirm in writing that the up-to-date Viability Assessment accords with the definition of Viability Assessment herein.

Recommendation

This proposal alteration to the deed does not significantly affect the viability matters associated with the development and follows Government Guidelines relating to delaying obligations due to COVID impact. The deed of variation is considered to be acceptable to the Council.

The developer has agreed to cover the Council's legal costs.

It is therefore reasonable for the Council to enter in to the Deed of Variation in the circumstances.

Signed... 
Assistant Director of Planning

Dated 20/08/2020