

Site at : Gainsborough Lodge, 169 Connaught Avenue, Frinton-on-Sea, Essex CO13 9AH

Planning reference : 21/00207/FUL

THIS DEED is made the 7<sup>th</sup> day of April 2021

By **MARTYN BERNARD HURN** of Gainsborough Lodge, 169 Connaught Avenue, Frinton-on-Sea, Essex CO13 9AH ("the Landowner")

#### RECITALS

1. Tendring District Council of Town Hall, Station Road, Clacton-on-Sea, Essex CO15 1SE ("the Council") is the Local Planning Authority for the purposes of this Deed for the area within which the land described in the First Schedule ("the Land") is situated and by whom the obligations contained in this Deed are enforceable.

2. The Landowner is a person interested in the Land as freehold owner.

3. An application given application number 21/00207/FUL by the Council ("the Planning Application") has been made for permission to develop the Land in the manner and for the uses set out in the Planning Application and in the plans specifications and particulars deposited with the Council and forming part of the Planning Application more particularly set out in the Second Schedule ("the Development").

5. The Council has not determined the Planning Application and the Landowner enters into this obligation to the intent that any objections by the Council to the grant of planning permission are overcome;

NOW THIS DEED is made in pursuance of section 106 of the Town and Country Planning Act 1990 and is a planning obligation for the purposes of that section

#### WITNESSES and as follows:

1. The Landowner covenants with the Council to perform the obligations specified in the Third and Fifth Schedules.

2. It is declared as follows:

2.1 The obligations in this Deed shall be enforceable in accordance with the provisions of section 106(3) of the Town and Country Planning Act 1990.

2.2 No person shall be liable for breach of a covenant contained in this Deed after he shall have parted with all interest in the Land or the part in respect of which such breach occurs but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest.

2.3 The covenants contained in this Deed shall take effect only upon the date specified by the Owner in a written notice served upon the Council as the date upon which the Development is to be commenced or if no such notice is served the actual date on which the Development was begun within the meaning of section 56 of the Town and Country Planning Act 1990.

2.4 If the permission granted pursuant to the Planning Application shall expire before the Development is begun as defined above or shall at any time be revoked this Deed shall forthwith determine and cease to have effect.

2.5 Nothing in the Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than one relating to the Development as specified in the Planning Application) granted (whether or not on appeal) after the date of this Deed.

2.6 This Deed is a local land charge and shall be registered as such.

2.7 The Landowner requires the Council to use the sum paid in accordance with the Third Schedule for the purpose of mitigating harm arising from the Development to the site specified in the Fourth Schedule.

2.8 The Landowner requires the Council to use the sum paid in accordance with the Fifth Schedule for improvements to the Public Open Space specified in the Sixth Schedule.

IN WITNESS whereof these presents have been duly executed as a Deed by the Landowner hereto the day and year first before written.

#### **FIRST SCHEDULE "the Land"**

Part of the freehold property known as Gainsborough Lodge, 169 Connaught Avenue, Frinton-on-Sea CO13 9AH registered at H M Land Registry under title number EX121176 for the purposes of identification only shown edged red on the plan attached to or incorporated within this deed.

#### **SECOND SCHEDULE "the Development"**

Erection of detached four-bedroom dwellinghouse with alterations to form central vehicular access to serve existing and proposed dwellings, with associated parking, amenity space and shed to rear (following demolition of existing detached garage) as described in the Planning Application.

#### **THIRD SCHEDULE Recreational Disturbance, Avoidance & Mitigation Contribution (RAMS).**

1. To notify the Council before commencement of the Development to allow the calculation of the **RAMS** contribution of £127.30 multiplied by the latest published RPI All items index and divided by 296 the February 2021 index then multiplied by the net increase in the number of new Dwellings.

2. Not to commence the Development unless and until the said **RAMS** contribution has been paid.

3. Notifications and payments shall be marked for the attention of the Section 106 Officer, Tendring District Council, Council Offices, Weeley, Clacton-on-Sea, Essex, CO16 9AJ or via email at [obligations@tendringdc.gov.uk](mailto:obligations@tendringdc.gov.uk)

#### **FOURTH SCHEDULE Relevant Designated European Wildlife Site**

Is the Special Protection Areas, Special Areas of Conservation and Ramsar site(s) at Hamford Water RAMSAR and SPA designated primarily to protect waders & wildfowl.

#### **FIFTH SCHEDULE Public Open Space Contribution.**

1. To notify the Council before commencement of the Development to allow the calculation of the Public Open Space Contribution which is found using the net increase in the number of dwellings on the Land and applying Table 4 of the Council's Supplementary Planning Document "Provision of Recreational Open Space for New Development" published in May 2008 then multiplying the amount derived from the table by the latest published RPI All items index and divided by 215.1 the May 2008 index.
2. Not to commence the Development unless and until the said Public Open Space Contribution has been paid to the Council.
3. Notifications and payments shall be marked for the attention of the Section106 Officer, Tendring District Council, Council Offices, Weeley, Clacton-on-Sea, Essex, CO16 9AJ or via email at [obligations@tendringdc.gov.uk](mailto:obligations@tendringdc.gov.uk)

Table 4

Number of bedrooms per Dwelling	Contribution per Dwelling
Studio Flat	£544.00
1 bedroom	£845.00
2 bedrooms	£1690.00
3 bedrooms	£2253.00
4 bedrooms	£2816.00
5+ bedrooms	£3380.00

#### **SIXTH SCHEDULE Location of the Public Open Space to benefit from the Contribution.**

The Council will spend the Public Open Space Contribution on improving the Public Open Space at Crescent Gardens Frinton-on-Sea and any money not so spent shall if requested be returned in accordance with paragraph 6.7.2 of the Council's Supplementary Planning Document "Provision of Recreational Open Space for New Development" published in May 2008.

Plan

