

**Variation of Section 106 Agreement – Land north of Williamsburg Avenue
Harwich Essex CO12 4EN**

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NUMBER:	17/01658/FUL
PROPOSAL:	32 No. houses and 18 No. flats (C3 use class) with associated works
LOCATION:	Land north of Williamsburg Avenue Harwich Essex CO12 4EN

Proposal

To vary the terms of the Section 106 Legal Agreement dated 27 September 2017 to remove the 'Affordable Housing Review' requirements.

Background & Recommendation

The S106 Schedule 'Part A – Affordable Housing Review' applies and states at paragraph 1.4:

'Not to dispose, or allow, or permit the Disposal of more than forty nine (49) Residential Dwellings prior to the paying the Interim Affordable Housing Contribution or the Alternative Interim Affordable Housing Contribution (whichever shall apply) to the Council provided always that in the event that the Parties agree that the Interim Total Sales Figure does not exceed the Benchmark Figure then the Interim Affordable Housing Contribution shall be nil.'

Chelmer Housing confirmed purchase of the freehold of the site in March 2019 and have subsequently delivered a 100% affordable rented scheme for this 50 unit scheme.

As such, there seems no reasonable reason to continue to seek an additional financial contribution towards affordable housing.

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

Signed: *Graham Nourse*

Assistant Director of Planning

Dated: 29 October 2021