

Section 106 Agreement Authorisation

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NUMBER:	22/01764/DOVU5
PROPOSAL:	Deed of variation under TCPA 1990 Section 106A of the terms of the Unilateral Undertaking (UU) dated 7 October 2019, and Deed of Variation dated 9 December 2020, linked to planning permission 17/02055/FUL, to reduce the age limit specified within it from 50 years old to 45.
LOCATION:	Sacketts Grove Caravan Park, Jaywick Lane, Clacton On Sea, Essex, CO16 7JB

Proposal

The application seeks a Deed of variation under TCPA 1990 Section 106A of the terms of the Unilateral Undertaking (UU) dated 7 October 2019, and Deed of Variation dated 9 December 2020, linked to planning permission 17/02055/FUL, to reduce the age limit specified within it from 50 years old to 45.

Assessment

As part of the legal agreement secured at application stage the age 50 limit was secured by legal obligation. This age limit was not aligned with the one that applies to the established Sacketts Grove Residential Park that the developer also operates next door, which is separately consented and licenced. On the Sacketts Grove Park, a minimum age restriction of 45 yrs applies.

In order to harmonise the older people housing offering across both sites (and to reduce the scope for confusion, which this unintentional inconsistency has caused), this proposal seeks to slightly reduce the 50 yrs limit at Sandpiper Gardens to age 45, consistent with Sacketts Grove adjacent.

This change would be benign in planning terms as, irrespective of either age applying, the necessity for education contributions in CIL Regulation 122 terms does not arise, and the greater flexibility the variation would impart is consistent with the revised definition of 'older people' that has been adopted by the NPPF since the 2019 UU was entered into.

The design and layout of the approved development remains as previously approved and the age limit revision does not impact upon any other legal obligations secured within the legal agreement. It is therefore considered that the proposed age limit change is acceptable in principle.

Recommendation

It is recommended, for the reasons given above, that the Director of Planning agrees the request for the completion of the Deed of Variation to secure a slight reduction in the age limit for occupation to 45 yrs.

Signed:



Gary Guiver
Director of Planning

Date: 28th November 2022