

Variation of Section 106 Agreement – Land East of Pond Hall Farm, Ramsey Road, Ramsey, Harwich, CO12 5ET

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NUMBER:	22/01976/DOVO5
PROPOSAL:	Deed of variation, under the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992, of the terms of the legal agreement dated 29th April 2016 linked to [outline] planning permission 14/01431/OUT, to amend the definition of 'Affordable Rented Housing' in Schedule 4 of the Original Agreement, the definition of Shared Ownership Housing in Schedule 4 of the Original Agreement, adding definitions of 'Build to Rent' and 'Capital Receipts' in Schedule 4 of the Original Agreement and Replacing Paragraph 3.1.1 of Schedule 4 of the Original Agreement relating to Capital Receipts.
LOCATION:	Land East of Pond Hall Farm, Ramsey Road, Ramsey, Harwich, CO12 5ET

Relevant planning history:

14/01431/OUT - Hybrid application for proposed comprehensive development & the creation of employment floorspace (including start up units) consisting of: Outline approval for development of site to create employment units, cafe / restaurant units, public house, drive thru restaurants, cinema, hotel, up to 297 dwellings, landscaping, open space & associated means of access, internal estate roads & car parking. Full approval for the creation of retail shop units, foodstore, petrol filling station, associated highway works & improvements including a new roundabout off the A120 & link road, earthworks, service infrastructure & other associated works & improvements. – Approved subject to a section 106 legal agreement all dated 08 Jun 2016

19/00851/DETAIL - Reserved matters application (access, appearance, landscaping, layout, scale) pursuant to Outlined Approval 14/01431/OUT, dated 8 June 2016) for the development of site to create employment units, cafe / restaurant units, public house, drive thru restaurants, cinema, hotel, 259 dwellings, landscaping, open space & associated means of access, internal estate roads and car parking (Reconsultation - revised drawings received 07/12/2021). – Approved 7 March 2022

Schedule 4 of the original legal agreement attached to outline permission 14/01431/OUT is relevant and this Deed of Variation application seeks:

To amend the definition of 'Affordable Rented Housing' in Schedule 4 of the Original Agreement, the definition of Shared Ownership Housing in Schedule 4 of the Original Agreement, adding definitions of 'Build to Rent' and 'Capital Receipts' in Schedule 4 of the Original Agreement and Replacing Paragraph 3.1.1 of Schedule 4 of the Original Agreement relating to Capital Receipts.

Proposal

Deed of variation, under the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992, of the terms of the legal agreement dated 29th April 2016 linked to [outline] planning permission 14/01431/OUT, to amend the definition of 'Affordable Rented Housing' in Schedule 4 of the Original Agreement, the definition of Shared

Ownership Housing in Schedule 4 of the Original Agreement, adding definitions of 'Build to Rent' and 'Capital Receipts' in Schedule 4 of the Original Agreement and Replacing Paragraph 3.1.1 of Schedule 4 of the Original Agreement relating to Capital Receipts.

Following consultation with TDC Housing the following changes were incorporated in an amended draft deed of variation:

Paragraph 3.1.1 of Schedule 4 of the Original Agreement shall be deleted in its entirety and replaced with the following:

3.1.1 any Capital Receipt from Staircasing is to be retained by the Approved Body and the Approved Body shall use reasonable endeavours to reinvest such Capital Receipt in Affordable Housing (in order of priority):

- a) within the district of Tendring;
- b) within the neighbouring councils areas within the county of Essex;
- c) within the rest of England

subject to any contrary requirements within the Homes and Communities Agency capital funding guide

TDC Housing also prefer not to provide any option to re-invest Capital Receipts outside of the district, and instead asked for the removal of option b and c please. Also, on the bottom line Homes and Communities Agency should be replaced with Homes England Capital Funding Guide.

These changes were incorporated into a revised deed of variation sent through to the LPA on 28/02/2023, Housing colleagues reconsulted and confirm to no objection on 16/03/2023.

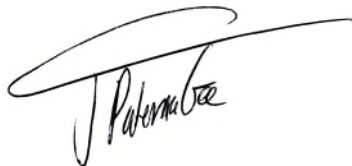
It is recommended that the Planning Manager agree this amended deed of variation request under delegated powers.

Recommendation

That the amendments in the revised deed of variation received by the LPA on 28/02/2023 be accepted and to agree that TDC legal be formally instructed to complete the Deed of Variation.

Signed John Pateman-Gee
Control

Head of Planning and Building



Date 22/08/2023