

Section 106 Agreement Sealing Authority Report – Land at Valley Road, Harwich

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NUMBER:	25/00996/DOVU5
PROPOSAL:	Deed of variation, under Town and Country Planning Act 1990 Section 106A, of the terms of the legal agreement dated 7th September 2022, linked to planning permission 22/01920/DETAIL, to allow variation of the affordable housing provisions
LOCATION:	Land at Valley Road, Harwich, Essex, CO12 4RR

Background

Outline planning permission was originally granted at appeal (Tendring District Council Reference - 18/02109/OUT & Appeal Reference - APP/P1560/W/20/3246908) for the 'Demolition of existing redundant factory and outline application with all matters reserved with the exception of access for up to 42 residential units'. The appeal decision was made on the 5th May 2021.

The subsequent reserved matters application (Reference - 22/01920/DETAIL) was then approved on the 3rd April 2023. The reserved matters application was then the subject of a Section 73 application (Reference - 24/01062/VOC) to allow for design revisions, which was approved on the 4th October 2024.

On 7 September 2020, the Council, the County Council and SATO UK Limited entered into a legal agreement which secured a contribution towards education provision and affordable housing (2 x 1 bed flat units to be shared ownership units and 4 x 2 bed flat units to be affordable rented housing).

Deed of Variation

The submitted Deed of Variation (DoV) seeks to confirm that Landspeed Limited (Company Registration Number 07950438) whose registered office is at Top Floor Buckley House, 31a The Hundred, Romsey, SO51 8GD is an approved Registered Provider for the purposes of Schedule 2 of the original legal agreement.

The DoV also includes new definitions for 'affordable housing dwellings', 'shared equity' and 'chargee' to provide greater clarity. In addition, the DoV include a new definition of 'affordable housing plan' by appending the agreed affordable housing layout plan.

The DoV also updates Paragraph 4 of Part 1 of Schedule 2 of the original legal agreement to ensure consistency with the tenure type.

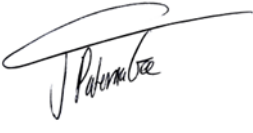
Clause 2 Paragraph 2.6 of the original legal agreement is also revised to update the enforceability of the obligations contained therein.

Recommendation

The revisions proposed within the DoV provide clarity as to the type of affordable housing units proposed and confirm that the proposed Registered Provider (Landspeed) is accepted and accords with the relevant definitions. These revisions have been discussed with the Council's Housing Team, and they do not object to the re-wording of the relevant clauses.

The revised planning obligations sought are considered to meet all the following CIL tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

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

Signed - 

Date – 10/11/2025