

**AGENDA ITEM NO.15**

**PLANNING COMMITTEE**

<b>Date</b>	<b>14 NOVEMBER 2012</b>
<b>Title</b>	<b>F/YR12/0757/PLANOB- SAYERS FIELD, CHURCH ROAD, WISBECH ST MARY MODIFICATION OF PLANNING OBLIGATION ATTACHED TO PLANNING PERMISSION F/YR02/0805/O AND F/YR05/1405/RM</b>

**1. PURPOSE/SUMMARY**

The purpose of this report is to consider the applicant's request for a deed of variation to the existing Section 106 Agreement attached to planning permission reference F/YR02/0805/O and F/YR05/1405/RM dated 07 March 2006.

**2. KEY ISSUES**

To consider any risks or costs to the Authority arising from the request.

**3. RECOMMENDATION**

It is recommended that the Deed of Variation be accepted namely:

- i. To include within the Planning Obligation a mortgagee in possession clause

<b>Wards Affected</b>	Parson Drove/Wisbech St Mary
<b>Forward Plan Reference No.</b> (if applicable)	N/A
<b>Portfolio Holder(s)</b>	N/A
<b>Report Originator</b>	Shanna Penney, Senior Development Officer
<b>Contact Officer(s)</b>	Alison Callaby, Planning Performance Manager
<b>Background Paper(s)</b>	Planning Files

**This proposal is before the Planning Committee due to the Original Section 106 Agreement being agreed at Development Control Sub-Committee previously**

**This is a request for a Deed of Variation**

**1. DESCRIPTION**

The applicant has formally requested that a Deed of Variation be completed with regards to the following matters arising from the original Section 106 Agreement dated 21 July 2003 and subsequent Unilateral Undertaking in the Reserved Matters application dated 08 March 2006.

- The addition of a mortgagee in possession clause

**2. HISTORY**

Of relevance to this proposal is:

- |                |   |  |
|----------------|---|--|
| F/YR05/1405/RM | - | Erection of 43 houses comprising; 15 x 2-bed, 11 x 3-bed and 17 x 4-bed with garages, sewage treatment plant and landscaping |
| F/YR02/0805/O  | - | Residential Development (1.08 ha)  |

**3. ASSESSMENT**

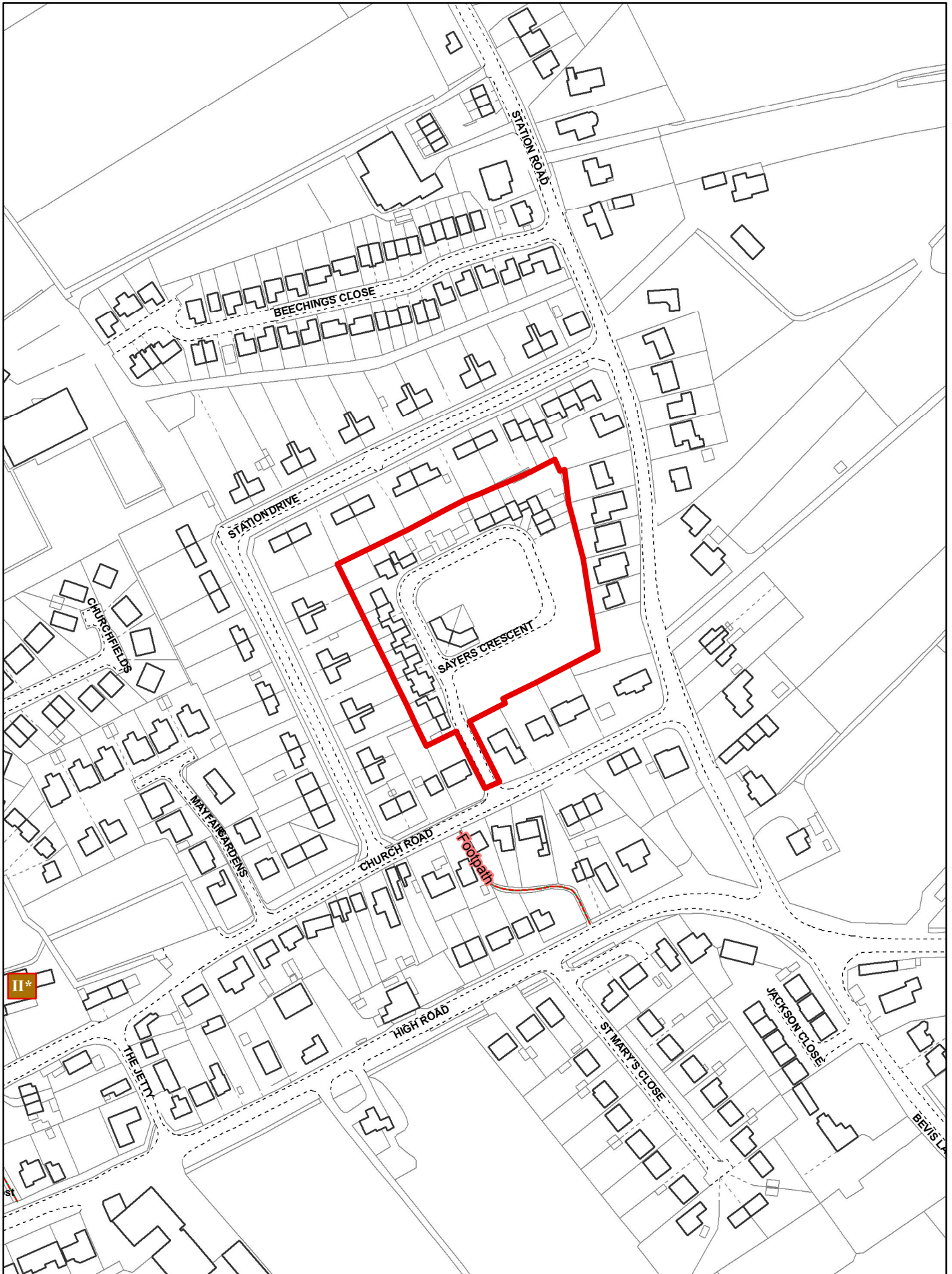
This site has commenced development; the Affordable Housing has been constructed, delivered and transferred to the Registered Provider (The Cambridge Housing Society) in accordance with the Section 106 Agreement.

The applicant has applied to vary the original Planning Obligation to include a clause, known as a mortgagee in possession clause. This clause enables the Registered Provider to borrow against the Affordable Housing Units. This is a standard clause that is used in many Planning Obligations nationwide.

Allowing the inclusion of such a clause poses no risk to the Council as it does not detract from the original Planning Obligation. The Affordable Housing will remain in perpetuity in accordance with the Planning Obligation and the Open Market Housing will not be affected by the addition. It is purely a commercial requirement to provide the Registered Provider with future flexibility and there are no costs arising to the Council.

**4. RECOMMENDATION**

It is recommended that the Deed of Variation be accepted to allow the inclusion of a mortgagee in possession clause



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