

AGENDA ITEM NO.11	
PLANNING COMMITTEE	
Date	6 MARCH 2013
Title	F/YR12/0969/PLANO B- LAND WEST OF RAMSEY ROAD, WHITTLESEY MODIFICATION OF PLANNING OBLIGATION ATTACHED TO PLANNING PERMISSION F/YR07/1116/F

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/YR07/1116/F

2. KEY ISSUES

To consider the proposal for a Deed of Variation to amend triggers for payment

3. RECOMMENDATION

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

- i. To amend the triggers for payment for the Education and Public Open Space Contribution

Wards Affected	St Marys Whittlesey
Forward Plan Reference No. (if applicable)	N/A
Portfolio Holder(s)	N/A
Report Originator	Christine Flittner, Area Development Manager
Contact Officer(s)	Christine Flittner, Area Development Manager
Background Paper(s)	Planning Files

This proposal is before the Planning Committee due to the Original Section 106 Agreement being agreed at Planning 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 4 September 2008.

i) Remove reference in Schedule 2 of the agreement requiring the Education Contribution to be paid prior to the occupation of 50% of the development.

ii) Remove reference in Schedule 5 of the agreement requiring the Public Open Space Contribution to be paid prior to the occupation of 50% of the development.

iii) Replace (i) with- the Education Contribution shall be paid in 12 equal instalments prior to the occupation of each of the twelve remaining dwellings or within 24 months of the date of the Deed of Variation, whichever is the sooner.

iv) Replace (ii) with- the Public Open Space Contribution shall be paid equally in three instalments:

The first instalment shall be paid prior to the occupation of the 13th dwelling or within 6 months of the Deed of Variation, whichever is the sooner.

The second instalment shall be paid prior to the occupation of the 17th dwelling or within 12 months of the Deed of Variation, whichever is the sooner.

The third instalment shall be paid prior to the occupation of the 20th dwelling or within 18 months of the Deed of Variation, whichever is the sooner.

2. HISTORY

Of relevance to this proposal is:

F/YR07/1116/F - Erection of 24 dwellings comprising; 2 x 2-bed terraced houses, 4 x 3-bed terraced houses, 1 x 2-bed semi-detached house, 3 x 3-bed semi-detached houses, 1 x 2-bed detached bungalow, 5 x 3-bed detached houses and 8 x 4-bed detached houses with associated garages and parking involving demolition of existing buildings

3. ASSESSMENT

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

The applicant has applied to vary the original Planning Obligation to vary the terms relating to the payment of the Education and Public Open Space Contribution.

The request is being made by the developer in order to allow the development to generate the capital needed to complete the site. Phasing the triggers for payment will enable the developer to continue with the development in a viable fashion and enable payments to be made once the capital is generated.

The Town Council have been consulted on this proposed variation and have confirmed that they have no objection and, therefore, recommend approval.

The County Council, acting as the Education Authority, have been consulted on this proposed variation and have agreed that the proposed phasing is acceptable.

Officers have considered the impacts of such a request, and find that the phased triggers pose no risk to the Council. The request does not detract from the original Planning Obligation; it merely seeks to amend the timing of payments.

4. RECOMMENDATION

It is recommended that the Deed of Variation be accepted for the following:

i) Remove reference in Schedule 2 of the agreement requiring the Education Contribution to be paid prior to the occupation of 50% of the development.

ii) Remove reference in Schedule 5 of the agreement requiring the Public Open Space Contribution to be paid prior to the occupation of 50% of the development.

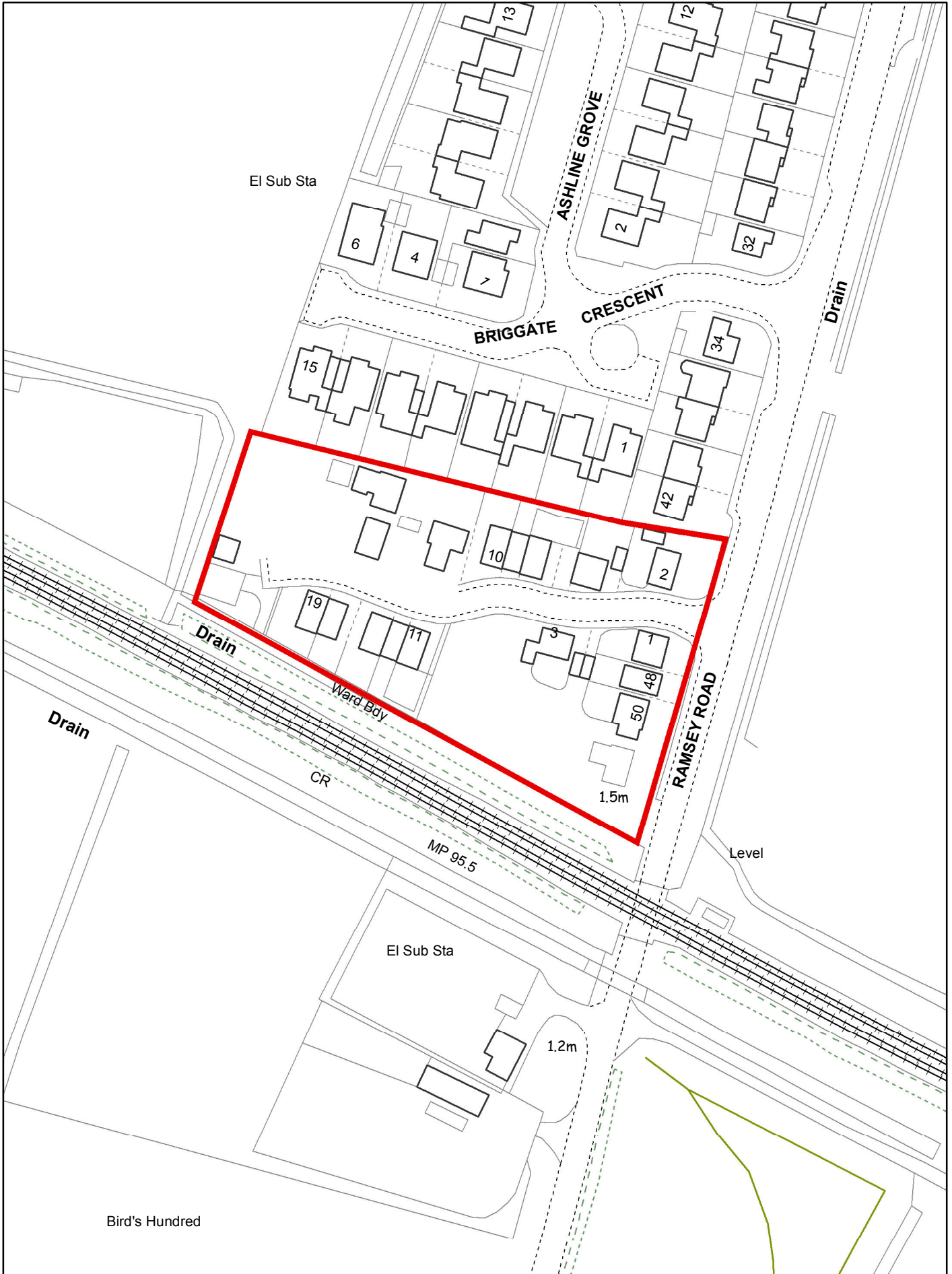
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The third instalment shall be paid prior to the occupation of the 20th dwelling or within 18 months of the Deed of Variation, whichever is the sooner.



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