

Date: 31st March 2016

Report of	Head of Commercial Services	Author	Daniel Cameron 01206 506025
Title	Proposed Deed of Variation to existing Section 106 Agreement at The Maltings Student Accommodation.		
Wards affected	New Town		

This report concerns a proposed variation to an existing Section 106 Agreement to allow relevant contributions to be spent on making community space within the building fully accessible to all members of the community.

1.0 Decision Required

- 1.1 That Members agree to the variation of the Section 106 Agreement as proposed within this report.

2.0 Reasons for Decision

- 2.1 The existing Section 106 Agreement secured against the site provided a community facility of 165 square metres floor space within the development and also a contribution towards community events and activities to be held within the associated public open space in the development for the benefit of the residents and wider community.
- 2.2 The community facility is currently being completed and is to be leased to Colchester Borough Council. Following discussions with the developer it is clear that the community space is only currently accessible via stairs. The developer is keen to install a lift so that the facility can be used by all members of the community and would be of benefit to Colchester Borough Council once the lease is in place.
- 2.3 To that end the developer would like to request that a proportion of the community events contribution be put towards the provision of this lift. It is estimated that the cost of a lift would be capped at £18,000. The remainder of the contribution would still be available for its original purpose.

3.0 Alternative Options

- 3.1 Should they be so minded Members could choose to refuse to agree the variation of the Section 106 Agreement as it is set out in this report; nothing already secured by the original agreement would be put at risk.

4.0 Supporting Information

4.1 Planning permission was granted in November 2013 for the erection of a student accommodation unit containing 765 bed spaces at Haven Road, Colchester. The Section 106 Agreement attached to this planning permission secured:

- £85,000 for Community Development;
- £180,00 for Open Space, Sports and Recreation Facilities;
- £250,000 for the provision of a footway/cycleway bridge over the River Colne;
- £300,000 towards a series of Student Travel Incentives to promote walking, cycling and public transport;
- 165m² of Community facility space; and
- An area of public open space within the development.

5.0 Strategic Plan References

5.1 The Strategic Plan contains 4 headings – Vibrant, Prosperous, Thriving and Welcoming.

5.2 The Section 106 Agreement secured against this development contains contributions which would help towards achieving the wider aims of all four themes.

6.0 Consultation

6.1 No public consultation is required as a result of this decision.

7.0 Publicity Considerations

7.1 This report may generate some publicity for the Council.

8.0 Financial Implications

8.1 There are no financial implications for Colchester Borough Council to explicitly note within this report.

9.0 Equality, Diversity and Human Rights Implications

9.1 There are no adverse equality, diversity or human rights implications.

10.0 Community Safety Implications

10.1 There are no community safety implications.

11.0 Health and Safety Implications

11.1 There are no health and safety implications.

12.0 Risk Management Implications

12.1 There are no risk management implications.