

Planning Committee

Item
8

Date 10 December 2020

Report of	Place and Client Services	Author: Jane Thompson	01206 506964
Title	Deed of Variation Planning Application Hythe Mills Student Accommodation		
Wards affected	Greenstead		

This report concerns a proposed variation to the S106 agreed for the Hythe Mills Student accommodation development. It is proposed to vary the agreement to allow the contribution to be used towards cycling and walking improvements in the area, better benefitting the accommodation residents.

1. Decision(s) Required

- 1.1 Members are asked to endorse the proposed deed of variation.

2. Reasons for Decision(s)

- 2.1 The existing agreement listed measures which are not considered to represent the best use of funds. Officers consider that the contribution clause should be amended to include walking and cycling infrastructure improvements in the area. This allows enhancements to deliver active travel improvements to benefit resident students more effectively than the existing agreement. To formalise this a Deed of Variation to the s.106 agreement needs to be signed.

3. Alternative Options

- 3.1 Not to agree to the Deed of variation will mean the S106 funds will be tied into schemes which are considered to be of lesser benefit to residents including students occupying the development.

4. Supporting Information

- 4.1 Officers have been in conversation with the Hythe Mills student accommodation developer (former Aim Hire site) and the accommodation manager concerning potential changes to the approved S106 agreed via Planning applications 171646 and 181096.

- 4.2 The existing agreement listed measures which are not considered to represent the best use of funds, in hindsight. Officers now consider that the contribution should be amended to include walking and cycling infrastructure improvements in the area. This facilitates delivery of active travel improvements which will benefit their students more significantly than those in the existing agreement. To formalise this change a Deed of Variation needs to be signed.
- 4.3 The Hythe Mills student accommodation manager is supportive of changes as they understand the greater benefit the investment in walking and cycling in the area will bring to the residents.
- 4.4 The existing S106 clause detailed –
- i) Transport Contribution; - foot/cycle bridge crossing the River Colne
 - ii) Footpath Contribution; walking route to University and safe secure route to Old Custom House
 - iii) Student Travel matters – the Borough Council to prepare a Travel plan or provide a bus shelter.
- 4.5 It is now unlikely that a river bridge will be prioritised, and the route to the Old Custom House is less attractive to residents as a foot bridge north of the accommodation allows better access to the town centre. The Borough Council have now prepared a travel plan and a bus shelter is not recommended in the vicinity of the site. The funds remaining, following travel planning and minor walking improvements in the area is around £205,000.
- 4.6 It is now proposed to combine the requirements into a single contribution to support measures for sustainable transport for students comprising walking and cycling between the development, University of Essex campus and the town centre. and no additional funds are required from the developer.
- 4.7 The developer has applied for a Deed of Variation, which officers support with a view to commissioning alternative walking and cycling improvements in the immediate area. This application was prompted at the request of officers.

5. Strategic Plan References

- 5.1 Promoting sustainability and reducing congestion is an important corporate objective within the Strategic Plan. The delivery of high quality and safe environment is also an important corporate objective. These objectives reflect the climate emergency declared by the Council.

6. Consultation

- 6.1 Legal Services has advised that the required variation falls outside the existing scheme of delegation in relation to s106 agreements and therefore requires Member approval.
- 6.2 The student accommodation manager has been consulted on and supports the proposal.

7. Publicity Considerations

- 7.1 None.

8. Financial Implications

8.1 There are no financial implications for the Council as these funds are already secured.

9. Equality, Diversity and Human Rights Implications

9.1 None directly arising from this report.

10. Community Safety and Health and Safety Implications

10.1 None arising.