

Report to District Development Control Committee



**Epping Forest
District Council**

Report Reference: DEV-010-2014/15

Date of meeting: 11 February 2015

Subject: Planning Application EPF/0206/14 – Chimes Garden Centre, Old Nazeing Road, Nazeing

Responsible Officer: Alan Hall (01992 564004).

Democratic Services: Gary Woodhall (01992 564470).

Supplementary Report

Recommendation:

(1) That, if the Committee agrees to grant planning permission for the proposed development at Chimes Garden Centre, Nazeing, it be subject to the required Section 106 Agreement including the attached Heads of Terms in respect of affordable housing provision, that have been subsequently agreed with the applicant since the meeting of the Area Planning Sub-Committee West.

Report:

1. The Main Report in the Agenda relating to the proposed development at Chimes Garden Centre, Old Nazeing Road, Nazeing (EPF/0206/14) explains that the Director of Governance remains of the view that planning permission for the proposed development should be refused (for the reasons set-out in the planning officer's report to the Area West Planning Sub-Committee).

2. It also explains that the Director of Communities maintains his objection to the proposal on the grounds that there is no on-site provision of affordable housing, which is contrary to the Council's Local Plan policies, and (although not stated in the report) that the proposed 10% discount on the market value of the properties proposed to be constructed and sold to "local residents" at the Total Garage Site, Nazeing cannot be considered as affordable housing and, in any event, cannot be "policed" to ensure that a true 10% discount is applied.

3. Both the National Planning Policy Framework (NPPF) and the Council's own Local Plan considers such an approach as "low cost market housing", which is quite different from affordable housing, and in any event only benefits the first occupiers (and not subsequent purchasers), since the discount is not passed on.

4. The Main Report explains that, following the recommendation of the Area Planning Sub-Committee to recommend approval to this Committee, the Director of Communities has entered into further discussions with the applicant with regard to the proposed Section 106 Agreement, in an attempt to secure the housing at the Total Garage Site as affordable housing, rather than market housing, should the Committee agree to the Sub-Committee's recommendation.

5. The purpose of this Supplementary Report is to explain the outcome of those negotiations.

Section 106 Agreement - Proposed Affordable Housing Provisions

6. The Director of Communities has concluded lengthy and detailed negotiations with the applicant and has managed to now secure the agreement of the applicant to provide the proposed housing at the Total Garage Site (which is currently in the ownership of Nazeing Parish Council) **as affordable rented housing**, if the Committee grants planning permission for the Chimes Garden Centre site.

7. The proposed agreement reached with the applicant is that, in addition to providing the Council with an Affordable Housing Contribution of £1 million to fund the provision of affordable housing elsewhere in the District (which, in accordance with current Council policy, is likely to be through Council's own Housebuilding Programme), prior to implementing any development at the Chimes Garden Centre site, the applicant will:

- Purchase from Nazeing Parish Council the former Total Garage Site, which has planning permission (EPF/0303/13) for the construction of 6 X 2 bedroom houses; and
- Enter into a signed Development Agreement with one of the Council's Preferred Housing Association Partners to either:
 - Construct and then sell the 6 X 2 bedroom houses to the selected Preferred Housing Association Partner; or
 - Sell the land to one of the Council's Preferred Housing Association Partners for them to build the properties;

for the Housing Association to then let the houses at affordable rents to applicants from the Council's Housing Register.

8. The proposed agreement also allows, subject to the agreement of the Council, Nazeing Parish Council to instead sell the Total Garage Site to one of the Council's Preferred Housing Association Partners direct and, in the event that none of the Preferred Housing Association Partners is willing to purchase the properties or the land, allows the applicant to enter a Development Agreement with another housing association.

9. Finally, the proposed agreement requires the development at the Total Garage Site to commence before the expiry of its current planning permission.

10. A copy of the proposed Head of Terms for all the affordable housing provisions within the Section 106 Agreement is attached as an Appendix to this Supplementary Report. It should be noted that the Heads of Terms do not cover all the other matters that will also be included within the Section 106 Agreement (e.g. a financial contribution towards education provision) if planning permission is granted.

Conclusion

11. Although the proposed development continues not to comply with the Council's Local Plan requirement for developers of large sites to provide affordable housing on-site, as a result of the robust negotiations undertaken both prior to the Area Planning Sub-Committee (which led to the proposed £1 million financial contribution) and since that meeting (in relation to the Total Garage Site) – and in view of the Area Planning Sub-Committee's recommendation that planning permission should be granted – the Director of Communities is satisfied that the latest proposed affordable housing provisions set-out in the attached Heads of Terms now adequately compensate the Council for the lack of on-site affordable housing provision, should planning permission be granted by the Committee.

12. It should be noted, though, that the Director of Governance remains of the view that planning permission for the proposed development should be refused, for the other reasons set-out in the planning officer's report to the Area West Planning Sub-Committee.