

## **Report to Area Plans Sub-Committee South**

**Date of meeting: 21 January 2009**

**Subject: Section 106 Agreement – Epping Forest College,  
Border's Lane, Loughton**



**Epping Forest  
District Council**

**Officer contact for further information: N Richardson 01992 564018**

---

### **Recommendation:**

- 1. That a Deed of Variation to the Section 106 Legal Agreement attached to planning permission EPF/0950/05, deleting and substituting wording in paragraph 8 of Schedule 3 (Highway Works), be agreed.**
- 2. The replacement wording for paragraph 8 to be: "*The existing Lower Site access off Borders Lane must be gated and must only be used by emergency services vehicles and for vehicles in association with the use and maintenance of the existing sub-station on the Lower Site.*"**

### **Report Detail**

Planning permission was granted on 20 October 2006 for redevelopment of the "Lower" site of Epping Forest College to form a replacement college of further education (planning application ref: EPF/0950/05). The planning permission was subject to a Section 106 legal agreement, which among a number of measures included a schedule requirement for Highway Works to be carried out as part of the development.

The College owners are requesting that one item, paragraph 8, of the 15 highway works requirements in Schedule 3 of the S.106 agreement be revised to allow an existing access to Borders Lane from the site to be retained. The reason has come about due to land use issues and land purchases within the site and for security reasons. There is a sub-station within the Lower site area and vehicular access, as and when required, is needed to this. The College though wish to make the overall site secure and therefore closing the existing access would mean vehicles associated with the electricity sub-station having access through the new College site vehicular entrance at any time. By keeping the existing access, such vehicles can therefore access completely separate from the college at any time without the need to open up the college entrance. It would also prove beneficial for use by emergency service vehicles if necessary. To make it secure, gates would be put across the entrance.

This therefore requires a Deed of Variation to the existing S.106 Agreement and this Committees authorisation is sought because this planning application was originally granted by Area Committee "A".

The current wording of paragraph 8 requires the following:

*"The permanent closure of the existing Lower Site access off Borders Lane".*

The suggested revised wording is as follows:

*“The existing Lower Site access off Borders Lane must be gated and must only be used by emergency services vehicles and for vehicles in association with the use and maintenance of the existing sub-station on the Lower Site.”*

### **Planning Issues**

Planning permission granted the new College building with a new access point from Borders Lane, served by a new mini-roundabout, that is approximately 150m east of the present access point, which in turn is currently 80m south-east of the access to the “Middle” site of the College. In the interest of highway safety, the County Council Highways Officers agreed to the redevelopment subject to a no. of proviso's, one of which was that the existing access be closed.

Since then, the Highway officers have been consulted on the suggested retention of the existing access for emergency vehicle and sub-station traffic only, and have agreed to its retention, subject to these purposes only. As the gate will be locked, there will be no access at this point for students, staff or visitors and the replacement wording in the Deed of Variation would reflect this. This access will be little used and there will be no harm to residents living in houses opposite, whom for many years have lived opposite day to day vehicular movements at this access point.

### **Conclusion**

With no resultant harm to highway safety or residential amenity, it is recommended that the Deed of Variation to the S.106 Legal Agreement be agreed.