

Report to the District Development Control Committee



**Epping Forest
District Council**

Date of meeting: 11 April 2012

Subject: Planning Application EPF/2361/09 – Redevelopment of land formerly in use as a garden centre to provide 21 flats 80% of which will be affordable housing. (Revised application)

Responsible Officer: Katie Smith, Senior Planning Officer (01992 564109)

Committee Secretary: Simon Hill (01992 564249)

Recommendation:

That the Committee refuses planning permission for the development described above, for the following reason:

- 1. The proposed development would place an additional burden on existing local education services, which are unable to accommodate additional places. The application does not secure the provision of any additional capacity within local education services, contrary to Policy I1A and CP3 (i) of the adopted Local Plan and Alterations**

Introduction:

1. This application was considered by the Committee at its previous meeting in February 2012, when the Committee resolved to grant planning permission, subject to the completion of a legal agreement.
2. Members approved amendments to the development proposal and the proposed legal agreement as follows:
 - (i) The enlargement of the application site to accommodate surface level car parking, instead of the underground car parking which was previously approved (resulting in a reduction in the number of car parking spaces provided from 25 to 20);
 - (ii) A change to the proposed mix of affordable housing, resulting in 53% of affordable units being available for affordable rent and 47% available for shared ownership; and
 - (iii) The requirement for the proposed access to be built prior to commencement to be relaxed to allow the development to be built up to a height no more than 1 metre above ground to allow the securing of housing grant funding; and
 - (iv) The surface level car park not to be subdivided or sold off from the 21 flat development.

3. As reported in the agenda report for the meeting of 15th February 2012 (provided as appendix 1), the applicant had raised concern in relation to the inclusion of a financial contribution of £35,072 towards education services. At the Committee meeting this matter was raised by Councillor Knapman. However, the resolution to grant planning permission did not omit the education contribution.
4. Subsequent to that meeting, the applicant has advised that they are not prepared to make an education contribution. This is for the reasons that the development site does not come within the catchment area for West Hatch School and also because the requirement for the education contribution on the adjacent development site was omitted at the District Development Control Committee meeting of 6th October 2009.
5. The County Council (as the Education Authority) has been consulted on the proposed omission of the contribution and has commented as follows:

When the application was originally received in 2009 there were insufficient early years and childcare places to meet the needs of the development and therefore a request for an EY&C contribution was made. However in 2011 I was asked to review the position and reported in March 2011 that the position had changed and a contribution for EY&C places was no longer required. I can confirm that this remains the case.

I can report that the position with regard sufficiency of primary school places has also changed. Previously our forecasts showed that it was likely that there would be sufficient places to meet the needs of the development but the latest data published in the document, Commissioning School Places in Essex 2011-2016 (CSPE), forecasts that there will not be sufficient places to meet the needs of the development at primary level. The Priority Admission Area School is Chigwell Primary School which has permanent capacity to take 270 pupils and it is forecast that there is likely to be 279 pupils on roll by 2016. Looking at the wider area and in particular at infant level, Chigwell Row Infant School has permanent capacity to take 58 pupils but it is forecast that there is likely to be 79 pupils on roll by 2016. There is also a similar position at Limes Farm Infant School with a deficit of 2 permanent places expected by 2016.

With regard to secondary provision the catchment school is West Hatch High School. The CSPE shows that the school has capacity for 1,295 pupils but is forecast to have 1,310 pupils on roll by 2016. The school is currently investigating ways in which to increase its capacity. Monies received would be pooled with s106 contributions due in respect of other developments in the area and spent at the school to create additional places in line with the need for additional places generated by the developments. As the school is now an academy it is ECC policy to obtain a funding agreement from the school to ensure the money is spent in accordance with s106 requirements.

I understand that an argument has been raised that as pupils from outside the district attend West Hatch High it is not appropriate to require a s106 contribution for the school. I cannot accept this argument as a valid one and draw your attention to the decision of the Planning Inspectorate in the matter of 16 Roughwood Close, Watford (APP/Y1945/A/10/2136251). The Inspector considered the fact that the secondary facilities might be used by children from outside the district and concluded at para 21 'that the calculated contribution sought is necessary and appropriate'.

From the above it is clear that additional provision will be needed at primary and secondary level and that this development will add to that need. I must therefore request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on education. The formula for calculating education contributions is outlined in our Developers' Guide to Infrastructure

Contributions, 2010 Edition. Our standard s106 agreement clauses that give effect to this formula are stated in our Education Contribution Guidelines Supplement, published in July 2010. For information purposes only, should the final development result in the suggested 21 flats with 15 having 2 or more bedrooms, the sum would be £45,074 index linked to April 2011 costs (a breakdown of this sum is attached).

6. As can be seen from the comments made by the Education Authority, the need for the contribution not only remains but has increased since the application was previously considered, with a need now arising for primary education places as well. However, it is the view of the planning officer that, given the amount of work undertaken to date in respect of this proposal, it would not now be reasonable to seek the increased sum from the Applicant.
7. In light of the above appraisal, in the absence of the education contribution to be secured by legal agreement the proposed development would cause harm to the locality in terms of the increased pressure on local education services which do not have sufficient capacity at present to accommodate that demand. For this reason, it is recommended that planning permission be refused.