

Report to District Development Control Committee

Date of meeting: 3rd October 2012

Subject: Planning Application EPF/1907/10 Land rear of Oakley Hall, Hoe Lane, Nazeing. Demolition of Glasshouse and sundry structures and erection of 50 bed care home with associated ancillary parking and landscaping - Extension of time to enable completion of section 106 agreement.



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Recommendation:

That an extension of time be approved to allow a further 3 months from the date of this meeting for the completion of the s106 agreement, previously required, to enable Planning Application EPF/1907/10 to be granted subject to the conditions set out in the minutes of the District Development Control Committee Meeting of 5 April 2011.

Report Detail:

1. Planning application EPF/1907/11 for a 50 bed care home at Oakley Hall, Hoe Lane, Nazeing was considered by this Committee in April of 2011 and a decision was made to grant consent for the development subject to conditions and subject to the completion of a legal agreement under s106 of the Town and Country Planning Act within 6 months of the resolution.
2. The agreement requires the following:
 - (a) £25,000 to Nazeing Parish Council for community improvements payable in five annual £5,000 instalments:
 - (b) An initial payment of £40,000.00 to the West Essex Primary Care Trust, followed by 5 annual payments of £5,000 resulting in an additional provision for a further £25,000
 - (c) £3,000 to Essex County Council to monitor the submitted travel Plan:
 - (d) £140 to Essex County Council to provide 4 x "Slow "markings on Hoe Lane.
 - (e) Implementation of an onsite, ecological enhancement scheme to accord with approved submitted particulars or by way of contribution of funds towards enhancements; and
 - (f) A clause stating, "The home will give priority to residents within Epping Forest District prior to admission. Local residents of Nazeing will be offered a 10% discount for private fees and top up fees during the first five years of operation of the home"

3 The applicant was unable to complete the legal agreement within the 6 months allotted, despite their best efforts, due to issues relating to the changing ownership of the land. An extension of time was requested and a 3 month extension was agreed by DDCC at the meeting in December 2011. However the applicant was not ready to proceed within that time limit. The applicant still wishes to proceed but one of the mortgagee's (Halifax) will not sign the S106 agreement so as to bind its interest in the land. However the landowners and one of the mortgagees are ready to progress the S106 on the basis that the Halifax is no longer a party to the S106- so its interest will no longer be bound- by paying the commuted PHCT lump sum of £40,000 on signing the agreement, the balance can then be paid in similar terms to that set out above.

4. By making this payment up front, which the Council would hold in an interest bearing account pending the development being commenced, the Council would be at less risk should the Halifax go into possession. There would still be a risk to the remaining balance but once the development commences as each year passes the value of the outstanding payments would be reduced.

5. The revised agreement has been drafted and the wording accepted by the Councils' senior lawyer. The applicant has advised us that on the basis of the above they are now at a point where the Agreement can be executed with the Council by the 3rd of November 2012. A draft of the revised agreement is attached for information.

Conclusion

6. Officers are of the view that there has been no significant change in circumstances since the original decision of the Committee and that assuming members are in agreement with the exclusion of Halifax from the agreement as set out above an extension of time of up to 3 months to enable satisfactory completion of the Legal Agreement is an appropriate course of action. Whilst it is expected that the agreement will be completed within one month, three months is requested to cover any unforeseen circumstances.

7. Member agreement is therefore required for an extension of the timescale to enable completion of the agreement and prevent the need for the submission of a new planning application and to enable the development to go ahead in accordance with the details previously agreed as acceptable.