

**Report to District Development Control
Committee**



**Epping Forest
District Council**

Report Reference: DEV-002-2014/15

Date of meeting: 25 June 2014

Subject: Planning Application EPF/1399/09– Outline planning permission for 68 residential units (52 affordable) including public open space with all matters reserved except access - 212 Manor Road, Chigwell

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Gary Woodhall (01992 564249)

Recommendation:

(1) That the variation to the terms of the existing Section 106 Legal Agreement (to be completed within 6 months) be agreed by accepting the following amendment:

(a) The removal of the obligation to contribute the sum of £120,000 toward the re-opening of a Post Office Counter within the locality; and

(b) The additional obligation to contribute the existing paid sum of £40,000 toward the provision of affordable housing within the local area.

Report:

1. Members may recall the above planning permission given for the redevelopment of the former Jennykings Garden Centre and land to the rear. The development is nearing completion.

2. That planning permission, which has been implemented, was subject to a Section 106 legal agreement which secured a number of matters, including a contribution of £120, 000 towards the re-opening of a post office counter service within the local area. It was intended that the sum of £120,000 along with a second sum of £40,000 secured from an adjacent development site would fund the operation of a Post Office counter from a nearby shop for a period of three years.

3. The payment of the £120,000 was to be made in three instalments of £40,000 – firstly upon commencement of the development with the second and third payments being due in subsequent years. The first has been received by the Council and the second is due.

4. It has since been brought to the Council's attention that the need/desire for a Post Office Counter within the locality no longer exists. The Post Office confirmed that it would be detrimental to business carried out at adjacent branches operating locally. On this basis, the removal of this obligation from the Section 106 is requested by the site developer.

5. On the basis that the removal of this obligation would remove an element of community gain from the proposed development, Officers have negotiated that rather than return the existing payment of £40,000, it may be retained for the purposes of delivering additional affordable housing within the local area. The developer has finally agreed to this.

Planning Issues

6. Paragraphs 203-205 of the National Planning Policy Framework (NPPF) set out guidance relating to planning obligations. This requires that obligations should only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind.

7. The obligation was sought initially to provide a community facility as required under policy E4B of the Local Plan, which required former employment sites to be used for purposes which fulfil community needs, prior to use for open market housing. Whilst a need for a Post Office counter service no longer exists, other community needs do. One such need within the locality is for affordable housing. However, the site has been developed with 77% being affordable housing and therefore already there is provision of a considerable community benefit within the development. On this basis, the site developer has agreed to the Council retaining the sum of £40,000 previously paid, for the purposes of delivering Affordable Housing. This is very reasonable given the community need for a post office no longer exists.

Conclusion

8. The variation to the legal agreement, as set out within the recommendation above, be agreed.