

**Report to District Development Control  
Committee**



**Epping Forest  
District Council**

**Report Reference: DEV-001-2014/15**

**Date of meeting: 25 June 2014**

**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)- 212 Manor Road, Chigwell**

**Responsible Officer: Nigel Richardson (01992 564110)**

**Democratic Services: Gary Woodhall (01992 564470)**

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**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 £40,000 toward the re-opening of a Post Office Counter within the locality.**

**Report:**

1. Members may recall the above planning permission given for the redevelopment of the former Jennykings Garden Centre car park.

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 £40, 000 towards the re-opening of a post office counter service within the local area. It was intended that the sum of £40,000 along with a second sum of £120,000 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 £40,000 was to be made in three instalments (£20,000; £10,000 and £10,000) firstly upon commencement of the development with the second and third payments being due in subsequent years. No payment has been received.

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 considered reasonable.

**Planning Issues**

5. 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.

6. 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, despite the provision of a considerable number of units within the development.

7. Earlier this year a new planning permission was given in respect of the block fronting Manor Road within this development. The building was originally approved to accommodate the 4 market housing dwellings within the development and the new permission granted consent for the inclusion of an additional dwelling within the roof space. That permission was subject to a further Section 106 legal agreement, which secured the equivalent sum of £40,000 towards further provision of affordable housing. On this basis, it is considered that the development has fulfilled other community needs and no additional obligation is now sought.

#### Conclusion

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