



**Epping Forest
District Council**

Report to Area Plans Sub-Committee

Date of meeting: 13 July 2016

Subject: EPF/1349/15 Stone Hall Farm, Downhall Road, Matching Green, Essex, CM17 0RA

**Officer contact for further information: Jill Shingler (01992 564110).
Democratic Services Officer: Rebecca Perrin (01992 564532)**

Approved Development: Redevelopment of existing business park to provide 9 residential properties (including 1 affordable rented unit) and associated car parking and new highway access.

Recommendation:

That Members agree to the release of the existing Agreement under Section 106 related to the above planning application which requires the provision of 1, 3 bed unit of affordable rented accommodation to be provided and a contribution of £10,000 towards Community safety infrastructure, subject to the prior completion by the applicant of a Unilateral Undertaking pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to provide £70,000 towards the provision of affordable housing within the District and £10,000 towards community safety infrastructure.

Report Detail:

The above planning application was considered by this Committee in January and it was agreed to grant consent subject to the applicant first entering into a legal agreement to secure the provision of the affordable rented unit and £10,000 towards community safety infrastructure. This required agreement was completed and signed in May and the consent was duly issued.

However Members will be aware that in May there was a High Court judgement that reinstated planning guidance which exempts developments of fewer than 10 residential units and no more than 1000sq m in floor area from the requirement to provide affordable housing.

As such it is now open to the applicants to reapply for the same development and we would be unable to require the provision of the affordable rented unit, or indeed any contribution towards affordable housing elsewhere..

The applicants understandably feel that they have been disadvantaged by the brief period in which the requirement for affordable housing was reinstated, and do not wish to provide the dwelling now that the requirement is no longer part of the National

Planning Policy Framework. However they wish to proceed quickly with their proposal, and with more certainty than if a new application were to be submitted and have therefore asked that instead of this route we consider accepting an amended agreement linked to the existing approved scheme, which would provide a contribution of £70,000 towards the provision of affordable housing in the District. They will also still include the previously negotiated £10,000 towards community safety infrastructure.

Whilst it is regrettable that we will no longer be able to achieve an affordable unit within the site, the figure that has been negotiated is considered to be a good offer in the circumstances.

The Director of Housing has been consulted and also accepts that this is an appropriate offer. Members are therefore asked to agree the recommendation set out above.