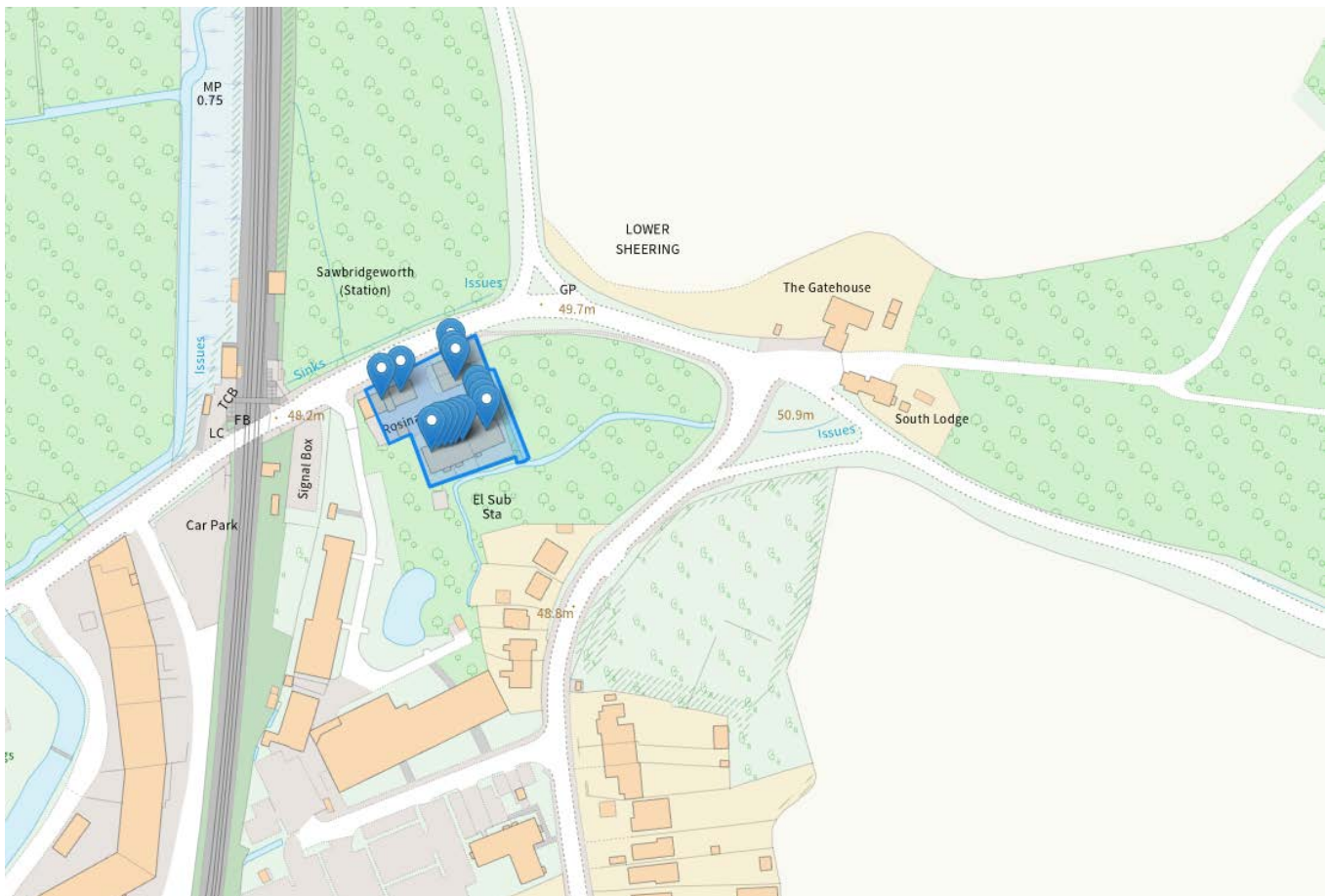


# OFFICER REPORT

**Application Ref:** EPF/0303/24/DOV  
**Application Type:** Application for deed of variation of planning obligations  
**Applicant:** Sheering Parish Council  
**Case Officer:** Muhammad Rahman  
**Site Address:** The Railway Hotel (now Rosina Court), Station Road, Sheering, Essex CM21 9LD  
**Proposal:** Deed of Variation to S106 Agreement attached to EPF/0864/15 (The change of use and adaption of the existing public house and associated hotel accommodation for residential use in addition to the provision of two new buildings to provide a total on site provision of two dwellings and twelve flats with associated parking and amenity areas).  
**Ward:** Lower Sheering  
**Parish:** Sheering  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000002FZF>  
**Recommendation:** Approve



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This application is before this Committee as the original application for;

EPF/0864/15 - The change of use and adaption of the existing public house and associated hotel accommodation for residential use in addition to the provision of two new buildings to provide a total on site provision of two dwellings and twelve flats with associated parking and amenity areas.

was decided by Members of the East Planning Committee on the 30<sup>th</sup> September 2015 and approved with conditions subject to a completed s106 Legal Agreement.

### **Planning Considerations**

Section 106A of the Town and Country Planning Act 1990 (as amended) states that a planning obligation can be modified or discharged by agreement (at any time) between the appropriate authority and the person or persons against whom it is enforceable.

A Unilateral Undertaking was made pursuant to Section 106 of the Town and Country Planning Act 1990 entered into between Stephen Linsell (The Landowner) and National Westminster Bank Plc (The Bank) in favour of Epping Forest District Council on 30<sup>th</sup> September 2015 (the Agreement).

The Agreement relates to planning permission (reference number EPF/0864/15) granted by Epping Forest District Council on 30 September 2015.

Clauses 4, 4.1, 4.2 & 4.3 of the Agreement provides for the payment of a Community Contribution prior to occupation, which is defined as follows in Clause 2.1 of the Agreement:

"Community Contribution" means the sum of FIFTY THOUSAND POUNDS (£50,000.00) RPI Index Linked as a contribution towards the provision of a community room in the Lower Sheering area of the District.

The applicant has stated the following;

The applicant has no interest in the land. The applicant as the Parish Council is the beneficiary of the Community Contribution payable under the S106 Unilateral Undertaking Agreement.

The Parish Council has requested that the purpose for which the Community Contribution can be spent be varied to allow the monies to be spent for the benefit of the community.

Currently the Agreement states that the monies are to go towards a contribution of a community room in the Lower Sheering Area of the district but with no likelihood of land or suitable building becoming available it is the view of the Parish Council that the monies could be spent elsewhere for the benefit of the community such as for those purposes listed below.

The proposed change to the Agreement is to replace the definition of "Community Contribution" in Clause 2.1 of the Agreement with the following new definition:

"Community Contribution" means the sum of FIFTY THOUSAND POUNDS (£50,000.00) RPI Index Linked as a contribution to be spent by the Parish Council towards any of the following purposes (in the proportions deemed appropriate by the Parish Council in its absolute discretion):

- (1) the upgrading of Sheering Village Hall (Village Hall Lane, The Street, Sheering CM22 7LX) including but not limited to the installation of a disabled toilet and any associated works;
  - (2) the improvement of any bus services in the Parish of Sheering to and from Sheering Village Hall;
- and

(3) the installation of road calming measures in Lower Sheering (subject to any consents for these measures required from the Council and / or the relevant local highways authority).

With regards to the specific suggestions above, there is concern that options 2 & 3 relate to highways and sustainable transport measures and therefore would not be deliverable without third party agreement. Therefore, such restrictions may result in a similar situation to the current in that the money would be held but the Parish Council would be unable to spend it.

Since the original contribution was sought to benefit the wider community it is suggested by Officers that the legal agreement be altered to simply require the sum of FIFTY THOUSAND POUNDS (£50,000.00) to be utilised by the Parish Council on community projects for the benefit of the community. This would then enable the Parish Council to consult with local residents in terms of how the money would be best used and will enable them to spend it on whichever community facilities they deem appropriate.

### **Conclusion**

For the reasons set out above, it is recommended that the Deed of Variation be varied as per the officer suggestion above. Notwithstanding this, it is open to Members to vary as per the Parish Councils request, or in any other appropriate way, should they deem it necessary.