

## **Report to District Development Management Committee**

**Report Reference: DEV-027-2015/16.**  
**Date of meeting: 20 April 2016**



**Epping Forest  
District Council**

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**Subject: Variation to S106 Agreement attached to planning permissions ref EPF/0853/14 and EPF/1326/15 to permit occupation of part of enabling development in advance of completion of school.**

**Approved Development:** Redevelopment of former Tottenham Hotspur training ground with an Autistic Spectrum Disorder (ASD) School, comprising a 3800 sq metre school building to accommodate up to 128 pupils aged 4-19, a mixed use games area, playing fields, 100 parking spaces and a minibus drop off area. Additionally, the development of 60 dwellings on land to the west of the proposed school to act as enabling development to facilitate delivery of the school.

**Development Site:** Tottenham Hotspur Training Ground, Luxborough Lane, Chigwell, Essex

**Responsible Officer:** Stephan Solon Ext 4018

**Democratic Services:** Gary Woodhall Ext 4470

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### **Recommendation(s):**

**(1) That the S106 agreement relating to planning permissions EPF/0853/14 and EPF1326/15 be varied to permit occupation of:**

- 1. Up to 20 houses of the enabling development following:- Completion of phases 1 and 2 to the point that they are watertight and the construction of phases 3 and 4 to ground floor slab level.**
- 2. Up to 40 houses of the enabling development following:- Completion of phases 1 and 2 to the point that they are ready for occupation for the purposes of a school and the completion of phases 3 and 4 to the point that they are watertight.**
- 3. The entire enabling development of 60 houses after all four phases are ready for occupation for the purposes of a school.**

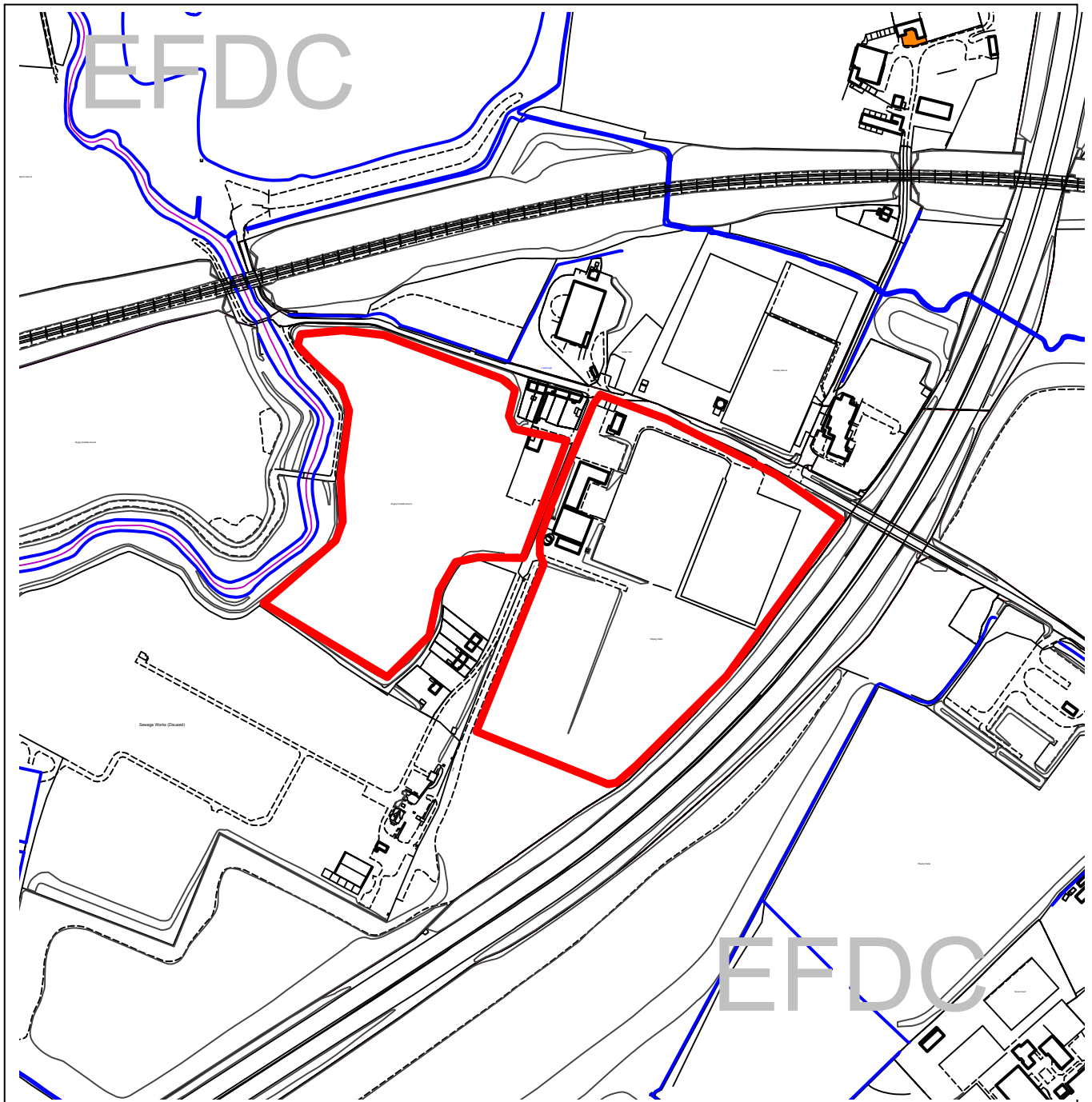
### **Report Detail**

- 1. The District Council approved the original consent for the development, ref EPF/0853/14, on 26 March 2015 at this committee level. The planning permission was given subject to conditions and a S106 agreement in respect of a number of matters. Those matters included a requirement that the ASD school component of the development be completed prior to first occupation of the residential component.**

2. A minor material amendment to the approved development was subsequently approved by the District Council on 17 September 2015. The amendments were to the appearance of the approved houses. The S106 agreement attached to Planning Permission EPF/0853/14 was varied such that its provisions also applied the new planning permission, ref EPF/1326/15.
3. The developer has gained approval of details pursuant to conditions and has commenced the development. The works to the ASD School commenced in October and the Developer anticipates the entire foundation slab and initial groundworks will also be complete at the end of April, clearing the way for superstructure works to commence in May. The Developer advises he is working to a programme for completion of the school by April 2017. Groundworks for the residential site were commenced at the beginning of March and the Developer has an 18 month build programme for this element of the site.
4. Members will recall the new housing was permitted by the Council expressly on the basis that it amounts to enabling development in order to facilitate the construction of the ASD School. The construction of the School could not be funded except via that enabling development. The Council's concern is to ensure (a) that the School is completed and (b) that the new housing does not go ahead without some safeguards that the school will be in place. The S106 obligation prohibiting occupation of houses until the school is complete is designed to safeguard the Council's interest.
5. The Developer advises that obligation has a very significant impact on cash flow and consequently the ability to fund the School development. In order that he may fund the completion of the school the Developer requests the S106 obligation be varied to permit phased occupation of the enabling housing.
6. The specific proposal is to tie occupation of the enabling housing to the level of completion of 4 approximately equal phases of school construction, as set out in the recommendation of this report. The proposed variation would prevent occupation of the final third of the housing development (20 houses) until all four phases of school construction are completed such that the school is capable of being occupied for that purpose. The proposed variation would also restrict occupation of the first and second thirds of enabling housing development until specific triggers of school construction have been met.
7. Having regard to the likely value of each third of enabling development, it is concluded that the proposed variation would safeguard the Council's primary concern that the school is completed.
8. In the circumstances, it is recommended the S106 relating to planning permissions EPF/0853/14 and EPF1326/15 are varied as proposed.



# Epping Forest District Council



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Application Number:	EPF0853/14 and EPF/1326/15
Site Name:	Tottenham Hotspur Training Ground Luxborough Lane, Chigwell
Scale of Plot:	1/5000