



# Update Report

## Update Report to the Planning Decisions Committee

### Agenda item 8

### Subject: Eton Manor Landscaping and New Entrance

### Application reference 13/00444/FUL

### Meeting date: 25 February 2014

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1. **Summary of Heads of Terms:** Further to paragraphs 9.60 – 9.68 in the main report the Heads of Terms have been agreed and are attached for Members.

- In summary the heads of terms:
  - Guarantees security of tenure in perpetuity for up to 50 named Manor Gardening Society (MGS) plot holders to reside at Leyton Jubilee Park.
  - Requires LB Waltham Forest to agree with LLDC a minimum specification for the plots offered to MGS members covering soil quality, drainage, water supply, storage and composting facilities.
  - Requires LLDC to offer 30 plots in the Pudding Mill Lane allotment site to MGS plot holders
  - Requires Waltham Forest to use Reasonable Endeavours to complete an agreement with MGS members within 6 months from the date of the planning permission, and Waltham Forest to provide evidence that they have done so to PPDT. If Waltham Forest has used Reasonable Endeavours and no agreement is completed within 6 months then they can let the plots to residents from the Waltham Forest waiting list.
  - Conversely, if LLDC is not satisfied that Waltham Forest has used Reasonable Endeavours and no agreement is completed with MGS members within 6 months then the currently permitted allotments at Eton Manor will be provided at Eton Manor.
  - If agreement is signed then the landscaping permission at Eton Manor shall be implemented by 31 December 2014 in accordance with the recommended planning permission.

- The revised s.106 heads of terms also requires 12 of the 50 LJP plots to be made available for future LCS residents. These 12 plots represent a quarter of the 50 LJP plots, which equates to 0.4hectare (of the 2.1ha allotment provision); the amount set aside as part of the 2007 OLF obligation for future residents of the Queen Elizabeth Olympic Park.
    - A cascade mechanism will operate in respect of these 12 plots (vacated MGS plots), which in the first five years will be populated by LB Waltham Forest residents and for the following ten years LB Waltham Forest will notify LLDC who will have nomination rights for LCS residents.
    - Officers consider that this approach provides an appropriate level of flexibility for the applicant to maximise the use of allotments i.e. not leave them fallow, while taking account of the LCS obligations.
- 2. Consultation Update**
- A letter of support has been received from LVRPA in respect of the revised proposals.
- 3. Amendments to Conditions**
- Condition 1 to include ‘...unless minor alterations are agreed in writing by the Local Planning Authority...’
  - Condition 7 replace ‘Concrete Feature Wall’ with ‘Entrance Sign’
- 4. Recommendation**
- As set out in section 2.1 of the main report but subject to the revised Heads of Terms set out in this Update Report.

## Eton Manor S106 – draft Heads of Terms

The parties agree to the following:

1. LBWF will agree with LLDC a minimum specification for the plots offered to MGS members.
2. LBWF will make reasonable endeavours to reach legally-binding agreement with MGS members
3. The agreement will grant security of tenure (in the plots at Leyton Jubilee Park) to up to 50 named MGS members, in perpetuity until they depart the site, subject to the normal conditions of their allotment leases. At the point of their departure, their plots will be offered to Waltham Forest residents identified via the LBWF waiting list.
4. With respect to 12 of the above plots offered to MGS members:
  - a. In the first five years from the date of the Agreement, if any of those 12 plots becomes vacant, it shall be populated from LBWF’s waiting list;
  - b. For the following 10 years, if such a plot becomes vacant:

- i. LBWF will notify LLDC, and LLDC may nominate an inhabitant of a residential unit contained within the Legacy Communities Scheme to succeed the departing plot-holder subject to the normal conditions of a LBWF allotment lease;
  - ii. If LLDC is unable to nominate a potential occupier or any nominee fails to take up any offer within four weeks of the offer being made, the plot will be populated from members of LBWF's waiting list.
5. The remaining plots at Leyton Jubilee Park (which are not part of the up to 50 plots offered to MGS members) will be made available to Waltham Forest residents, identified via the LBWF waiting list.
6. LLDC will commit to offering plots in the Pudding Mill Lane allotment site to 30 of the 80 named MGS plot-holders.
7. The agreement with MGS members should be completed within 6 months from the date of the planning permission
8. LBWF will submit a certified copy of the completed agreement, or if not completed within 6 months, a report explaining how reasonable endeavours were used to agree and complete the agreement, to LLDC.
9. If the agreement is completed, (or if not completed LLDC is satisfied with the report on Waltham Forest's use of reasonable endeavours to complete the agreement), LLDC will confirm in writing discharge of this restriction (such discharge not to be unreasonably withheld or delayed). The landscaping planning permission must thereafter be implemented before 31 December 2014.
10. If the agreement is not signed, and Waltham Forest has not demonstrated to satisfaction of LLDC that it has used reasonable endeavours to complete the agreement, the currently permitted allotments at Eton Manor will be provided in accordance with existing planning permission before 31 December 2014.
11. If LLDC's judgement is contested by any party to the 106 agreement the matter will be referred to an external adjudicator whose decision shall be final.