

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee:	Council	Date:	14 December 2017
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	6.00 - 11.01 pm
Members Present:	Councillors D Stallan (Chairman), N Avey, R Baldwin, A Beales, N Bedford, A Boyce, H Brady, R Brookes, G Chambers, K Chana, D Dorrell, R Gadsby, L Girling, A Grigg, S Heap, L Hughes, R Jennings, J Jennings, S Jones, H Kane, S Kane, H Kauffman, P Keska, J Lea, A Lion, M McEwen, L Mead, A Mitchell, G Mohindra, R Morgan, S Murray, S Neville, A Patel, J Philip, C P Pond, C C Pond, C Roberts, D Roberts, B Rolfe, B Sandler, M Sartin, G Shiell, P Stalker, D Sunger, B Surtees, E Webster, C Whitbread, H Whitbread, J H Whitehouse, J M Whitehouse and D Wixley		
Apologies:	Councillors R Bassett (Vice-Chairman), W Breare-Hall, R Butler, J Knapman, Y Knight and S Stavrou		
Officers Present:	G Chipp (Chief Executive), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), C O'Boyle (Director of Governance), A Hall (Director of Communities), S Hill (Assistant Director (Governance)), A Blom-Cooper (Interim Assistant Director (Planning Policy)), D Coleman (Planning Policy Manager), W Marr-Heenan (Temporary Planning Policy Officer), E Taylor (Temporary Planning Policy Officer), T Carne (Public Relations and Marketing Officer), A Hendry (Senior Democratic Services Officer), N Richardson (Assistant Director (Development Management)), A Rose (Marketing & Digital Content Officer) and P Seager (Chairman's Secretary); C Sailsbury (Consultant (Arup)); M Beard (Counsel).		

64. WEBCASTING INTRODUCTION

The Assistant Director, Governance reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

65. MINUTES

RESOLVED:

That the minutes of the Council meeting on 01 November 2017 be taken as read and signed by the Chairman as a correct record.

66. APPOINTMENT OF VICE-CHAIRMAN

With the absence of the Vice-Chairman, Councillor J Lea was nominated to act as the Vice-Chairman for the meeting having been moved formally by Councillor Sartin and seconded by Councillor H Kane, it was:

RESOLVED:

That Councillor J Lea be appointed Vice-Chairman for the duration of the meeting.

67. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's code of Member Conduct, Councillor E Webster declared a non-pecuniary interest in agenda item 6 by virtue of being a trustee of the Waltham Abbey Community Centre, Saxon Way. She declared that she would remain in the meeting unless there were site specific discussions relating to this site.

(b) Pursuant to the Council's code of Member Conduct, Councillor A Grigg declared a non-pecuniary interest in agenda item 6 by virtue of having met, at their invitation, two developers at the Civic Offices with planning officers at which she listened but made no comments. She was also present at North Weald Parish Council meetings where presentations had been given by developers and where she made no comments.

(c) Pursuant to the Council's code of Member Conduct, Councillor J M Whitehouse declared a non-pecuniary interest in agenda item 6 on sites EPP.R4, (land at St Johns Road) and EPP.R11 (Epping Library). He declared that he would remain in the meeting unless there were site specific discussions relating to this site.

(d) Pursuant to the Council's code of Member Conduct, Councillor J H Whitehouse declared a non-pecuniary interest in agenda item 6 by virtue of the fact that she was a trustee of Epping Forest 'Re-Use' which was situated on one of the identified employment sites. She declared that as it was a non-pecuniary interest she would remain in the meeting for the consideration and voting on the Local Plan.

(e) Pursuant to the Council's code of Member Conduct, Councillor C C Pond declared a non-pecuniary interest in agenda item 6 by virtue of having had, over the preceding years, approaches and meetings with various developers. He had always tried not to fetter his discretion and expressing views only on generalities. Also as an Essex County Councillor he had been consulted on the development of ECC sites in Epping and Loughton libraries. He declared that as it was not a prejudicial interest he would remain in the meeting for the consideration and voting on the Local Plan.

(f) Pursuant to the Council's Code of Member Conduct, Councillor S Murray declared a non-pecuniary interest in agenda item 6 by virtue of the fact that he was a trustee of Epping Forest 'Re-Use' which is situated on one of the identified employment sites. He declared that as it was a non-pecuniary interest he would remain in the meeting for the consideration and voting on the Local Plan.

(g) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a non-pecuniary interest in agenda item 6 by virtue of attending North Weald Parish Council meetings where presentations had been given by developers and where he made no comments.

(h) Pursuant to the Council's code of Member Conduct, Councillor C Whitbread declared a non-pecuniary interest in agenda item 6 by virtue of having had, over the preceding years, approaches and meetings with various developers. He had always tried not to fetter his discretion and expressing views only on generalities. Also as an Essex County Councillor he had been consulted on the development of ECC sites in Epping and Loughton libraries. He declared that as it was not a prejudicial interest he would remain in the meeting for the consideration and voting on the Local Plan.

(i) Pursuant to the Council's code of Member Conduct, Councillor J Philip declared a non-pecuniary interest in agenda item 6 by virtue of being the relevant Portfolio Holder having had, over the preceding years various meetings with officers and developers pursuant to the preparation of the Local Plan document.

(j) Pursuant to the Council's code of Member Conduct, Councillor B Surtees declared a non-pecuniary interest in agenda item 6 by virtue of being a member of Ongar Town Council and over the preceding years, having attended meetings with developers. He declared that as it was a non-pecuniary interest he would remain in the meeting for the consideration and voting on the Local Plan.

68. ANNOUNCEMENTS

The Chairman made an announcement welcoming the members of the public who were watching the proceedings. He then outlined the procedures for the meeting and how he wished members to participate and manage their propositions for amendments to the plan.

Finally he emphasised the importance of making a clear decision made with absolute due diligence and based on the evidence before them.

69. PUBLICATION OF THE SUBMISSION VERSION OF THE EPPING FOREST DISTRICT LOCAL PLAN

Mover: Councillor J Philip, Portfolio Holder for Planning and Governance

Councillor J Philip submitted a report seeking agreement to publish the Submission Version of the Epping Forest District Local Plan in accordance with Regulation 19 of the Planning regulations. When adopted this plan would supersede the combined policies of the Epping Forest District Local Plan (1998) and Alterations (2006) and would ensure that the Council had an up-to-date Local Plan to guide future development and infrastructure needs in the District, promote sustainable development and identify and update annually the five year supply of deliverable housing land. The Portfolio Holder drew attention to amendments to the submission version of the Local Plan that were tabled and appended as an appendix to these minutes.

Amendment moved by Councillor C C Pond and seconded by Councillor R Jennings

"That in paragraph 1(a) add after '2017':

'subject to a statement excluding all public urban open space from development and the allocation of 300 extra dwellings in the Harlow and Gilston Garden Town'

Paragraph 1(b), delete whole paragraph and the first line of paragraph 2."

During the debate Councillor Sandler proposed alternative wording for the amendment and this was accepted by Councillor C C Pond who withdrew his original amendment in favour of the below wording which Councillor C C Pond seconded:

"That in paragraph 1(a) of the recommendations add 'after 2017' the following words – 'subject to a statement by EFDC as landowner that excludes development on public urban open space in Chigwell and Loughton and the accommodation of 300

extra dwellings in the plot of land to the east of Theydon Bois station as delineated in the Regulation 18 draft and next to site THYB R1’.”

Councillor C Whitbread requested and was granted a short adjournment to get some advice about this new amendment.

On return and after a debate Councillors C Whitbread, J Philip, G Mohindra, S Kane and A Lion requested a recorded vote.

There voted for the amendment: (18) namely: Councillors R Baldwin, A Beales, R Brookes, L Girling, S Heap, B Jennings, J Jennings, H Kaufman, L Mead, S Murray, S Neville, C C Pond, CP Pond, C Roberts, D Roberts, B Sandler, B Surtees and D Wixley.

There voted against the amendment: (29) namely: Councillors N Avey, N Bedford, T Boyce, H Brady, G Chambers, K Chana, R Gadsby, A Grigg, L Hughes, S Jones, S Kane, P Keska, J Lea, A Lion, M McEwen, G Mohindra, R Morgan, A Patel, J Philip, B Rolfe, M Sartin, G Shiell, P Stalker, D Stallan, D Sunger, E Webster, C Whitbread, H Whitbread, and J M Whitehouse.

Abstentions: (4) namely: Councillors D Dorrell, H Kane, A Mitchell, and J H Whitehouse.

Lost

Amendment moved by Councillor B Surtees and seconded by Councillor J H Whitehouse.

That there be Inserted after ‘in consultation with the Planning Portfolio Holder’ the words “and a Portfolio Holder Advisory Group constituted for this purpose”

After a short discussion the mover, Councillor Surtees withdrew his amendment.

Withdrawn

Amendment moved by Councillor J M Whitehouse and seconded by Councillor J H Whitehouse.

“That in Policy P1 (B) of the plan paragraph (i) and (ii) (sites EPP.R1 and sites EPP.R2) be deleted and in PolicySP2 (B) Epping the number 1,305 be replaced with 355.”

Lost

Amendment moved by Councillor J M Whitehouse and Seconded by Councillor J H Whitehouse.

That in appendix 6 EPP.R5 (Epping Sports Centre) Development Requirements insert in final paragraph after ‘sports/ leisure facility’: ‘in Epping’ to read:

“Closure of the existing Epping Sports centre and the re-development of this site should not take place until a suitable replacement sports/leisure facility in Epping is delivered and is operational. This is to ensure that the public have uninterrupted access to sports/leisure facilities in the local area.”

Lost

Councillor Kaufman requested and was granted an adjournment in which to confer with counsel.

Amendment moved by Councillor J H Whitehouse and seconded by J M Whitehouse.

‘That in Appendix 6 EPP.R11 (Epping Library) Development Requirements a new paragraph be inserted at the end to read:

“The re-development of this site should not take place until it has been demonstrated that proposals for suitable replacement community leisure and cultural facilities (including library services) in the centre of Epping will be delivered in accordance with Policy D4 (v) and (vi).”

Councillor Philip proposed alternative wording for the amendment which was accepted by Councillor J H Whitehouse.

Revised amendment to read:

“That in Appendix 6 EPP.R11 (Epping Library) the re-development of the site should only take place when a suitable replacement library service provision is delivered in Epping”

Carried

Amendment moved by Councillor B Surtees and seconded by Councillor J M Whitehouse.

“That in Policy P4 (B):

- Delete paragraph (viii) (site ONG.R8)
- In paragraph (ii) (site ONG.R2) delete ‘135’ and replace with ‘115’
- In Policy SP2(B) Ongar delete 590 and replace with ‘561’
- In Appendix 6 West Ongar Concept Plan, minimum net capacity delete 234 and replace with 214”

After a short discussion the mover, Councillor Surtees withdrew his amendment.

Withdrawn

Amendment moved by Councillor S Neville and Seconded by Councillor S Heap.

“That in paragraph 1(a), add after ‘2017’:

...subject to a statement excluding BUCK.R3 lower Queens Road Shops from development and the allocation of 15 extra dwellings in the Harlow and Gilston Garden Town.”

Withdrawn

At the conclusion of the debate a vote was taken on the report as amended and consequential changes to the plan and those reported by the Portfolio Holder which was **ADOPTED**

RESOLVED:

- (1) That the Council agree and publish the Epping Forest District Local Plan Submission Version 2017 with the following amendments:
 - (a) In Appendix 6 EPP.R11 (Epping Library) Development Requirements the following new wording be inserted: "The re-development of the site should only take place when a suitable replacement library service provision is delivered in Epping"
 - (b) The amendments to the plan reported at the meeting and set out in Appendix 1 to these minutes.
- (2) That the following be agreed:
 - (a) The Epping Forest District Local Plan Submission Version 2017 (Appendix A to the agenda) be agreed and published for a period of six weeks from 18 December 2017 to 29 January 2018 in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the 2012 Regulations");
 - (b) The Sustainability Appraisal/Equalities Impact Assessment and Habitats Regulation Assessment be agreed and published alongside the Submission Plan;
 - (c) To note that the Local Plan Duty to Co-operate Statement of Compliance, Consultation Statement and Local Plan evidence base will be available on the Council's website;
 - (d) That following the conclusion of the Regulation 19 publication period, the Local Plan be submitted to the Secretary of State for Independent Examination under section 20 of the Planning Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"), together with the submission documents prescribed by Regulation 22 of the 2012 Regulations before 31 March 2018;
 - (e) That the Director of Neighbourhoods, in consultation with the Planning and Governance Portfolio Holder, be authorised to make non-material typographical, formatting, mapping and other minor amendments to the Plan prior to publication on 18 December 2017 and prior to the submission of the Plan to the Secretary of State;
 - (f) That the Director of Neighbourhoods be authorised to write to the Local Plan Inspector appointed to carry out the Examination of the submitted Local Plan ("the Local Plan Inspector") asking him/her to recommend such modifications of the submitted Local Plan as may be necessary to make the Plan sound and legally compliant, in accordance with section 20(7C) of the 2004 Act;

- (g) That the Director of Neighbourhoods be authorised to produce and submit any supplementary information and documentation to the Local Plan Inspector as may be required to complete the examination;
- (h) That the Director of Neighbourhoods, in consultation with the Planning Portfolio Holder, be authorised to submit a schedule of proposed main modifications of the submitted Local Plan to address any issues relating to soundness and legal compliance identified by the Local Plan Inspector; and
- (i) That the Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and enforcement decisions to be given appropriate weight in accordance with paragraph 216 of the National Planning Policy Framework.

CHAIRMAN

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Amendments to Submission Version of the Local Plan

1. **Table 2.3** on page 29 – change to the number of homes with planning permission up to 31 March 2017 plus 10% non- delivery should be 1621 (not 1639). This also affects the total supply figure which should be 3,336 and the remaining requirement should be 4,164
2. **Policy SP 2** – the number of homes proposed for Sheering of 84 got missed from the table – to ensure consistent with Policy P 12 in the Places Chapter Sheering should be included in the table alongside other small settlements and the total changed from 91 to 175
3. **Moved** Paragraphs on the Concept Frameworks so that it comes after Design Codes and before the Quality Review Panel in Chapter 2
4. **Paragraph 3.46** on page 64 – based on comments from Economic Development – changed 6 months to 12 months as this is a more appropriate requirement for applicants to demonstrate lack of marketability of a site
5. **Added** in text after paragraph 3.74 on page 70 to better reflect the evidence in the Visitor Accommodation Study undertaken by Hotel Solutions to strengthen the retention element of the policy and to make it consistent with the 12 months retention policy as for point 4
6. **Added** a new paragraph on to support Policy T 2 and ensure consistency – requiring marketing for a period of 12 months before loss of petrol filling stations
7. **Policy DM 9** on page 93 – add in to I – Strategic Masterplans and Concept Frameworks (as well as other documents already mentioned)
8. **Paragraph 5.39** – change to reflect that Epping Forest Shopping Park is not mentioned in Policy E 2
9. **Policy P 2** – removed Part M (ix) impacts on ancient woodland not considered relevant to Jessel Green and site guidance silent on this requirement
10. **Policy P 3** Waltham Abbey – remove WAL.E7 from the masterplan list in part M (not in masterplan area)
11. **Para 5.65** erroneously lists the wrong sites to be included in the concept framework – this should be ONG.R1 and ONG.R2
12. **Policy P 4 – C** – paragraph removed as duplicates A
13. **Policy P 4, P 10, P 12, P 13** – add in standard wording to the policy on Air Quality to ensure that all development that has potential to produce air pollution is required to undertake an air quality assessment and that this is consistent across all relevant site allocations
14. **Policy P 7** Chigwell – The site identified for the Limes Farm Masterplan should be CHIG.R6 (not R.7)
15. **Paragraph 5.145** on Thornwood – should be 172 homes (not 188)
16. **Map 5.25** rural allocations in the East of the District – add in RUR.E10 which is currently missing
17. **Policy P 15** – delete part B on infrastructure requirements which is not needed as these are existing employment sites and therefore no infrastructure requirements
18. **Policy D 4** – add in a new part 'In order to retain sites for community uses and meet the identified need, the Council will require robust evidence from applicants seeking to demonstrate that there is no longer a reasonable prospect of the site's continued use for community purposes before considering its release to other uses. Differing requirements will need to be met depending upon the size, nature and location of the site or property. In general, it should be marketed effectively for a minimum of 12 months at a rate which is comparable to local market value for its existing use and it must be demonstrated that the continuous use of the site for such uses is no longer viable, taking into account the site's existing and potential long-term market demand for such uses. ' (this is to make it consistent with requirements elsewhere in the plan) – also consequential changes to para 6.43
19. **Policy SP 5** – requirement for health facilities is duplicated for the East of Harlow site – so remove H (x)

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