

EPHING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council

Date: 25 September 2018

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.30 - 9.05 pm

Members Present: Councillors R Bassett (Chairman), R Gadsby (Vice-Chairman), N Avey, R Baldwin, A Beales, N Bedford, H Brady, P Bolton, R Brookes, G Chambers, K Chana, D Dorrell, A Grigg, I Hadley, S Heap, S Heather, L Hughes, R Jennings, J Jennings, S Jones, H Kane, S Kane, H Kauffman, P Keska, J Knapman, J Lea, L Mead, G Mohindra, R Morgan, S Murray, S Neville, M Owen, A Patel, J Philip, C P Pond, C C Pond, B Rolfe, M Sartin, J Share-Bernia, P Stalker, D Stocker, D Sunger, B Vaz, C Whitbread, H Whitbread, J H Whitehouse, J M Whitehouse and D Wixley

Apologies: Councillors L Burrows, Y Knight, A Lion, M McEwen, A Mitchell, C Roberts, D Roberts, B Sandler, S Stavrou and E Webster

Officers Present: D Macnab (Acting Chief Executive), G Blakemore (Strategic Director), S Hill (Service Director (Governance & Member Services)), P Maddock (Assistant Director (Accountancy)), N Richardson (Service Director (Planning Services)), S Kits (Social Media and Customer Services Officer), R Perrin (Senior Democratic Services Officer) and P Seager (Chairman's Secretary)

30. WEBCASTING INTRODUCTION

The Service Director, Governance and Members Services 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.

31. MINUTES

RESOLVED:

That the minutes of the meeting held on 31 July 2018 be taken as read and signed by the Chairman as a correct record.

32. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillor S. Murray declared a non pecuniary interest in agenda item 12 (Overview and Scrutiny Committee) by virtue of being a newly appointed Epping Forest Trustee of the Citizen Advice.

33. ANNOUNCEMENTS

(a) Chairman's Announcements

The Chairman informed the council that he had attended many events, which included the opening of the Loughton Leisure Centre extension, a 'Support for Sight' event and the hosting of his civic lunch, at the Royal Gun Powder Mills. Most recently, he had attended the last Youth Council meeting, where they had been discussing issues associated with nitrous oxides canisters.

(b) Flowers

The Chairman announced that he intended to send the flowers from tonight's meeting to the residents of Hyde Mead House, Nazeing.

34. PUBLIC QUESTIONS (IF ANY)

The council noted that there were no public questions for this meeting.

35. QUESTIONS BY MEMBERS UNDER NOTICE**Question by Councillor S. Neville to the Portfolio Holder for Housing, Councillor S. Stavrou**

"Could the Housing Portfolio Holder advise;

a) For how long did the council know that Mullaley were using flammable insulation, encapsulate or not, in the properties being built in Burton Road; and

b) Could she give an assurance that no such materials have been used in other council houses built or adapted in the Council House Building programme."

Answer to Councillor S. Neville from Councillor C. Whitbread, Leader of Council on behalf of the Housing Portfolio Holder S. Stavrou

"The contract with Mulalley is based on Design and Build where the contractor to takes on overall design responsibility beyond the planning drawings. This gives them flexibility in terms of material selection, although they must have regard to the Employers Requirements and above all, the Building Regulations, which are there to ensure fire safety, is put at the heart of the design process.

In terms of responding to the question "how long the council have known of Mulalleys intention to use 'flammable' insulation" is perhaps more difficult to respond to, it was certainly evidential when the insulation materials were first brought to site that they had not selected 'Rockwool' for example as their preferred insulation. But, as I have already said, material selection is a choice for the contractor, and they are not required to draw every detail to the council's attention or seek permission for their selection.

However, it is not the choice of insulation itself that represents a fire risk, it is the method in which it is to be utilised i.e. fully encapsulated means that it would not be exposed directly to a source of fire once it is in situ. The insulation selected for the Burton Road development would not be a fire risk were it fully encapsulated as it was designed.

Having read the comparisons with the Grenfell disaster on the front page of the local paper recently, we are concerned that sensational headlines will cause a great deal of unnecessary anxiety for potential tenants. Links with the Grenfell Tower do a disservice to the people involved in that disaster as well as families currently waiting for a new home on our waiting list.

Burton Road is a completely different building and it is not yet finished. The fire was caused by a construction related accident, not the materials used. Unlike Grenfell, Burton Road only has four floors. The interior was practically untouched by the fire. Even if it had been possible for such a fire to start once the building was finished and

occupied, all the evidence suggests people would have been able to escape unharmed. The building stood up remarkably well to the blaze.

However, I can advise that the council will, in consultation with its contractors, review the type of insulation materials it uses to continue to ensure that our new homes are built with due consideration of health and safety standards, the Building Regulations and best practice for fire safety. We will also be reviewing our requirements for flat roof construction, and considering all our options going forward, including alternatives to 'hot works' if practicable.

Regarding the assurances that no such materials had been used in other council properties. No, he could not give assurance that these materials have not been used widely across all our new build properties. However, the choice of insulation material does not constitute the same risk as for the Burton Road fire as it is fully encapsulated and not exposed as a potential source of fire as per my previous response."

Councillor S. Neville had no further supplementary questions.

36. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET

The council received written reports from all the portfolio holders. The Chairman invited the Leader to provide an oral report and any other member of the cabinet, to give an update on their written report, if required.

(a) The Leader of Council

The Leader advised that since the last council meeting he had been engaged in a number of events relating to key strategic challenges facing the district. The West Essex Clinical Commissioning Group, where he, along with a number of the cabinet members had been briefed around the main issues concerning the health of the district, resourcing pressures and the ageing population. It had also been reassuring that the contingency plans for the winter period had been started. Furthermore, the council was engaged in the ongoing discussion to identify the best option for the redevelopment of Princess Alexander Hospital and had made provisions in the Local Plan for a site east of Harlow, which would be one of the key considerations for the Harlow and Gilston Garden Town Board. He had also attended the Essex Leaders and Chief Executive meetings, where issues about education provision in West Essex were discussed.

He had also taken part in the recent members visit to the new Waltham Abbey Leisure Centre, which had progressed at a pace and would open on 17 November 2018.

Finally, it had not been possible to reach mutually agreeable position for the St John's Site, Epping, between the District Council, Epping Town Council and Frontier Estates, which had been intended for a mixed use development comprising of retail, community facilities and housing. Therefore the District and Town Council were jointly exploring an alternative scheme, to include the feasibility of a leisure centre and swimming pool with retail and housing elements on the site. Some informal discussion had been made with the council's leisure contractors and no decision had been made to close Epping Sports Centre. He advised that it potentially made financial sense and could meet the future needs of residents.

(b) Planning and Governance Portfolio Holder

Councillor J. Philip advised that the Council had submitted the council's Local Plan on Friday 21 September 2018, following the dismissal of the legal challenge at the Court of Appeal, ensuring that the Council would deliver the original target of 11,400 homes. The next step would be the examination in public, which would enable any person or organisation that originally submitted a response to the Regulation 19 consultation, to address the Planning Inspector. The Council was currently unaware of when the Local Plan would be considered and who the Planning Inspector may be. He advised that any modifications put forward by the Planning Inspector would be brought back to the Council.

(c) Safer, Greener and Transport Portfolio Holder

Councillor S. Kane advised that Safeguarding training was available on Monday 1 October 2018 at 6 pm. This was mandatory for new members and existing members could also attend to update their knowledge.

37. QUESTIONS BY MEMBERS WITHOUT NOTICE

(a) Criminal Casework for District

Councillor D. Sunger asked the Portfolio Holder for Safer, Greener and Transport to inform him of details concerning the criminal casework for the whole district that had taken place since the introduction of the EFDC funded police officers.

Councillor S. Kane advised that the EDFC police officers and the Community Safety Team were collaborating and a lot of work had been completed. In particular, there had been multiple charges for offences of burglaries in the south of the district.

Councillor S. Kane reminded members that the contact details for reporting issues was as follows; immediate threat to person or property, you should phone 999; anything else or if the crime has already happened 101; or search for Essex Police Report It online. There was also an Epping Forest equivalent to report issues online. He requested that members only use the shared Community Safety Team's email, to enable the awareness across whole team and for it to be recorded correctly.

(a) Local Plan

Councillor M. Sartin asked the Planning and Governance Portfolio Holder what were the financial and other implications associated with the delayed submission of the Local Plan following the Planning Court Injunction and subsequent appeals.

Councillor J. Philip advised that a final assessment of the costs was not yet available, although it had been estimated between 10 to 20 thousand pounds. There had been court costs of £10,000 awarded from the first appeal but it had also taken a lot of officers time, which had been primarily Senior Officers including the Assistant Director of Planning Policy and the Chief Executive. Going forward, it would be difficult to determine the effects of the delay but the Local Plan had now been submitted.

(b) Epping Shopping Retail Park

Councillor L. Mead advised that the bins at the Epping Forest Retail Park were either too small or not being collected regularly and asked the Environment Portfolio Holder what could be done about this situation.

The Assets and Economic Development Portfolio Holder, Councillor A. Grigg advised that the responsibility lay with Epping Forest Retail Park. She had previously contact the Assistant Director (Technical), who had advised that that the layout of the bins were not suitable and she would ask officers to approach the Retail Park again about this issue.

(c) Step Free Access to Buckhurst Hill Tube Station

Councillor A. Patel asked the Safer, Greener and Transport Portfolio Holder for an update following a meeting with Buckhurst Hill Parish Council, TFL and officers regarding the implementation of step free access to Buckhurst Hill Tube Station and other associated issues.

Councillor S. Kane advised that the additional disabled street parking bay had been passed onto NEPP; the removal of one of the three barriers had been completed; the repainting of barriers and hand rails in contrasting colours had been completed; the redecoration of the subway had been felt to be cost inhibited at this time and installation of gate in the fence to provide access to the stairway was pending a decision whilst officers found out who was responsible.

(d) St John's Road Site

Councillor J.M. Whitehouse asked the Leader whether the feasibility study by the leisure contractors would encompass the whole site, and if not, what would the plans be for the rest of the site.

Councillor C. Whitbread advised that the intention was to potentially create a partnership with the Town Council to redevelop the entire site encompassing a sports centre, swimming pool, retail and housing.

(e) St John's Conservation Area

Councillor G. Chambers asked the Safer, Greener and Transport Portfolio Holder what assurances he could give residents of Buckhurst Hill, that the draft proposals set out in the St John's Conservation Area would be carried forward to Cabinet for agreement.

Councillor S. Kane advised that unfortunately the only qualified officer that could progress the draft proposals for the St John's Conservation Area, would not be available until at least January 2019.

(f) Broadway Retail Premises

Councillor M. Owen asked the Assets and Economic Development Portfolio Holder whether;

- (i) it was fair to increase the rental income of Save the Children by 38%;
- (ii) could she give an update on the Economic Impact Assessment and whether the rents could be frozen whilst this took place; and
- (iii) could she give an update on the empty units in the Broadway.

Councillor A. Grigg advised that there had been no rental review for Save the Children since 2011. The premises also benefited from an 80% business rate

reduction and this could be seen as beneficial. The premises were located within a prominent area of the Broadway and rates were higher, although they had been offered another premise near the other charity shops.

The impact assessment study had been delayed at the request of the Town Centre Partnership although the Council had now instructed Lichfields to undertake an independent review of retail alongside an economic assessment of the recent development of the shopping park on the Broadway. This would conclude with a report, available in approximately 8 weeks time and would include an updated health check on the Broadway Town Centre which had been last undertaken in 2009.

Regarding the vacant premises, five were currently under offer and one premise had interested parties but no firm offers. She advised that the council did not feel they were forcing hard working retail shops out but that turn over was a national trend and the high street was changing.

(i) Principal Landscape and Tree Officer

Councillor C.C. Pond asked the Safer, Greener and Transport Portfolio Holder to pass on appreciation to the Principal Landscape and Tree Officer who would be retiring from the Council and ensured that this council was one of the leading authorities on Tree and Landscape Protection.

Councillor S. Kane indicated he would forward the comments on.

(j) Update on the Epping Parking Review

Councillor H. Whitbread asked the Safer, Greener and Transport Portfolio Holder for an update on the Epping Parking Review, particularly in relation to business permits and school parking.

Councillor S. Kane advised that North Essex Parking Partnership were finalising their report in light of comments and objections received following the initial consultation and would provide a report to their next meeting. He felt that business permits were essential to ensure that Epping High Street continued to thrive and that parking was required for shoppers, visits and commuters alike.

(k) Waltham Abbey Leisure Centre

Councillor D. Dorrell asked the Leisure and Community Services Portfolio Holder to give her impressions on the new Waltham Abbey Leisure Centre following a recent tour of the premises and whether it was on target for completion.

Councillor H. Kane advised that the facilities were excellent and the Leisure Centre would be opening on 17 November 2018. There had been £14.5million pounds invested in leisure across the district and more to come.

(l) Local Plan

Councillor S. Murray asked the Planning and Governance Portfolio Holder whether he was aware that the announcement of the submitted Local Plan would not be received well in Loughton, in particular to the proposals for Jessel Green and that this would be just the start of the process.

Councillor J. Philip advised that the Local Plan enabled the council to control where development took place and not where developers chose. If the Local Plan was to

fail, developers would be able to develop anywhere with the green belt policy not being sufficient to protect the district. The National Policy Framework made it clear that more development should take place within the boundaries of built up areas and that development should be denser than it has been before, in particular, in areas close to centres of population. The council was not only required to state the amount of homes it would build but also deliver on this number, otherwise it could lose the ability to control it. He felt that the Planning Inspector would endorse the submitted Local Plan.

(m) Building Materials

Councillor K. Chana asked the Leader, why the Council was allowing the contractors to choose the types of building materials used in the Council House Building Programme, as mentioned in item 6. Question by Members Under Notice by Councillor S. Neville, when they could be stipulated.

Councillor C. Whitbread advised that in relation to Burton Road, this had been a designed and build contract, with the materials used being up to the building regulations standards required.

He advised that members were welcome to attend future Council Housebuilding Cabinet Committee meetings to discuss these types of issues.

(n) Building Contractors

Councillor J. Knapman still felt concerned that the council may not have all the information required when a design and build project was allocated to a contractor.

Councillor C. Whitbread advised that he would come back to Councillor J. Knapman with more information on these types of contracts and further assurances for members on these contracts.

38. MOTIONS

The Chairman reported that there were no motions to be considered at this meeting.

39. STAFF APPEALS PROCEDURE

On behalf of the Technology and Support Services Portfolio Holder, Councillor C. Whitbread submitted a report seeking permission for the Monitoring Officer to remove the reference of the Staff Appeals Panel from the constitution following the cabinet's adoption of the Staff Appeals Procedure Policy.

RESOLVED:

That the Monitoring Officer be authorised to remove all reference of the Staff Appeals Panel from the Council's Constitution.

40. PLANNING APPLICATION EPF/0637/18 - THE LODGE, WOOLSTON HALL, CHIGWELL

Mover: Councillor S. Jones, Vice-Chairman of District Development Management Committee

Councillor S. Jones advised that the application had been considered at the Plans South Sub-Committee on 27 June 2018 and District Development Management

Committee on 1 August 2018, resulting in the application being considered by Council by means of the minority reference procedure set out in the Council's constitution (Rule M2).

The Service Director, Planning Services presented the report regarding a planning application for permission of a residential infill comprising 12 no. residential dwelling houses with associated off-street parking, garden space and external landscaping at The Lodge, Woolston Hall, Chigwell, subject to the completion of a legal agreement (Section 106 of the Town and Country Planning Act 1990) by 31 March 2019 and associated conditions.

Amendment moved by Councillor J. Philip and Seconded by Councillor C.C. Pond

That planning application EPF/0637/18 at The Lodge, Woolston Hall, Abridge Road, Chigwell be refused planning permission for the following reasons:

(1) The proposed development constitutes inappropriate development detrimental to a fundamental aim of the Green Belt to safeguard the countryside from encroachment. The proposal would have a materially detrimental impact on the openness of the Green Belt contrary to the purposes of including the land in the Green Belt and does not meet any exception to the principle of Green Belt policy. The change of use of landscaped area to housing would be detrimental to visual amenity due to its urbanising effect and would unduly diminish the rural character and openness of the landscape. There are no very special circumstances that outweigh the harm from the development. The proposal is contrary to Policies GB2A; GB7A; CP2 (i), (ii), (iv), and (v); DBE4 (i); and LL1(i), LL2 (i) and (ii) of the adopted Local Plan and Alterations; Policies SP 6 and DM 4 of the Epping Forest District Local Plan Submission Version (2017); and, the provisions of the National Planning Policy Framework.

(2) The proposal would fail to provide any on site Affordable Housing, contrary to Policies H5A, H6A, H7A and H8A of the adopted Local Plan and Alterations; Policies H1 D. and H2 of the Epping Forest District Local Plan Submission Version (2017); and, the provisions of the National Planning Policy Framework, particularly at paragraph 50.

(3) The proposal is not within a sustainable location and would therefore result in a development heavily reliant on private motor vehicles. As such the proposal does not sufficiently meet the measures identified in policy regarding sustainable development, in particular with regard to policies CP1 (v), and CP6 (iii) of the Epping Forest District Local Plan and Alterations (2006); policy T 1 B. of the Epping Forest District Local Plan Submission Version (2017); and, the provisions of the National Planning Policy Framework, particularly at paragraph 95.

(4) The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such, the proposed development is contrary to policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

Carried

The Service Director advised that following the submission of the Local Plan on Friday 21 September 2018, the refusal set out in the agenda required the following updates;

- (1) That the words '(July 2018)' be included at the end of reason 1;
- (2) That the number '50' be removed and replace with '62' at the end of reason 2; and
- (3) That the wording 'particularly at paragraph 95' be removed and replaced with (July 2018) at the end of reason 3.

Carried

RESOLVED:

That planning application EPF/0637/18 at The Lodge, Woolston Hall, Abridge Road, Chigwell be refused planning permission for the following reasons:

(1) The proposed development constitutes inappropriate development detrimental to a fundamental aim of the Green Belt to safeguard the countryside from encroachment. The proposal would have a materially detrimental impact on the openness of the Green Belt contrary to the purposes of including the land in the Green Belt and does not meet any exception to the principle of Green Belt policy. The change of use of landscaped area to housing would be detrimental to visual amenity due to its urbanising effect and would unduly diminish the rural character and openness of the landscape. There are no very special circumstances that outweigh the harm from the development. The proposal is contrary to Policies GB2A; GB7A; CP2 (i), (ii), (iv), and (v); DBE4 (i); and LL1(i), LL2 (i) and (ii) of the adopted Local Plan and Alterations; Policies SP 6 and DM 4 of the Epping Forest District Local Plan Submission Version (2017); and, the provisions of the National Planning Policy Framework (July 2018).

(2) The proposal would fail to provide any on site Affordable Housing, contrary to Policies H5A, H6A, H7A and H8A of the adopted Local Plan and Alterations; Policies H1 D. and H2 of the Epping Forest District Local Plan Submission Version (2017); and, the provisions of the National Planning Policy Framework, particularly at paragraph 62.

(3) The proposal is not within a sustainable location and would therefore result in a development heavily reliant on private motor vehicles. As such the proposal does not sufficiently meet the measures identified in policy regarding sustainable development, in particular with regard to policies CP1 (v), and CP6 (iii) of the Epping Forest District Local Plan and Alterations (2006); policy T 1 B. of the Epping Forest District Local Plan Submission Version (2017); and, the provisions of the National Planning Policy Framework (July 2018).

(4) The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such, the proposed development is contrary to policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of

the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

41. OVERVIEW AND SCRUTINY COMMITTEE

The Council noted the written report from Councillor M. Sartin, the Chairman of the Overview and Scrutiny. She advised that officers from the Manchester Airport Group would be attending the next meeting, to talk about Stansted Airport. Any questions that members had should be submitted to S Tautz.

42. AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2017/18

Councillor J. Knapman, Chairman of Audit and Governance Committee.

Councillor J. Knapman presented the Audit and Governance Annual Report for 2017/18. The Finance Portfolio Holder, Councillor G. Mohindra thanked both members of the Audit and Governance Committee and officers for their work throughout the year.

Report as first moved **ADOPTED:**

RESOLVED:

That the Audit and Governance Annual Report 2017/18 be noted.

43. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

(a) The Council received a written report regarding the Royal Gunpowder Mills from Councillor H. Kane, the Council's representative. Councillors H. Kauffman and D. Wixley commented that reports from this organisation were particularly important because of the significance of this site to the district and welcomed any information coming forward.

(b) Councillor C.C. Pond requested an update from the Council representatives for the Grange Farm Trust. Councillor M. Sartin advised that she and Councillor M. McEwen would bring a report back to Council.

CHAIRMAN