



### NOTICE OF COUNCIL MEETING

You are hereby summoned to a meeting of the **EPPING FOREST DISTRICT COUNCIL** to be held in the **COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING** at 7.30 pm on **Tuesday, 25 September 2018** for the purpose of transacting the business set out in the agenda.

A handwritten signature in black ink, appearing to read 'D Macnab'.

**Derek Macnab**  
Acting Chief Executive

**Democratic Services  
Officer:**

Council Secretary: Simon Hill  
Tel: 01992 564249 Email:  
[democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Public Relations Manager on 01992 564039.

**BUSINESS****1. WEBCASTING INTRODUCTION**

This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking. The Assistant Director of Governance will read the following announcement:

“The chairman would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

**2. MINUTES (Pages 7 - 24)**

To approve as a correct record and sign the minutes of the meeting held on 31 July 2018 (attached).

**3. DECLARATIONS OF INTEREST**

To declare interests in any item on the agenda.

**4. ANNOUNCEMENTS**

- (a) Apologies for Absence
- (b) Chairman’s Announcements

**5. PUBLIC QUESTIONS (IF ANY)**

To answer questions asked after notice in accordance with the provisions contained within Part 4 of the Council Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Leader of the Council;
- (b) to any Portfolio Holder; or
- (c) to the Chairman of the Overview and Scrutiny Committee.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

**6. QUESTIONS BY MEMBERS UNDER NOTICE**

To answer questions asked after notice in accordance with the provisions contained within the Council Rules in Part 4 of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Chairman of the Council;

- (b) to the Leader of the Council;
- (c) to any Member of the Cabinet; or
- (d) the Chairman of any Committee or Sub-Committee.

The Council Rules provide that answers to questions under notice may take the form of:

- (a) direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Answers to questions falling within (a) and (b) above will be made available to the member asking the question one hour before the meeting. Answers to questions falling within (c) above will be circulated to all councillors.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

#### **7. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET (Pages 25 - 58)**

To receive reports and any announcements from the Leader and members of the Cabinet on matters falling within their area of responsibility:

- (a) Report of the Leader;
- (b) Report of the Assets and Economic Development Portfolio Holder (attached);
- (c) Report of the Environment Portfolio Holder (attached);
- (d) Report of the Finance Portfolio Holder (attached);
- (e) Report of the Housing Portfolio Holder (attached);
- (f) Report of the Leisure and Community Services Portfolio Holder (attached);
- (g) Report of the Planning and Governance Portfolio Holder (attached);
- (i) Report of the Safer, Greener and Transport Portfolio Holder (attached); and
- (j) Report of the Technology and Support Services Portfolio Holder (attached).

#### **8. QUESTIONS BY MEMBERS WITHOUT NOTICE**

The Council Rules provide for questions by any member of the Council to the Leader or any Portfolio Holder, without notice on:

- (i) reports under the previous item; or
- (ii) any other matter of a non operational character in relation to the powers and duties of the Council or which affects all or part of the District or some or all of its

inhabitants.

Council Rules provide that answers to questions without notice may take the form of:

- (a) direct oral answer from the Leader or, at the request of the Leader, from another member of the Cabinet;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner; or
- (d) where the question relates to an operational matter, the Leader or a member of the Cabinet will request that a response be given direct to the questioner by the relevant Chief Officer.

In accordance with the Council Rules, a time limit of thirty minutes is set for questions. Any question not dealt with within the time available will receive a written reply. The Chairman may extend this period by up to a further 10 minutes at their discretion.

## **9. MOTIONS**

To consider any motions, notice of which has been given under Council Rules.

Motions, if any, will follow if not received in time to be incorporated into the agenda.

## **Reports of the Cabinet**

### **10. STAFF APPEALS PROCEDURE (Pages 59 - 60)**

(Technology & Support Services) To consider the attached report.

### **11. PLANNING APPLICATION EPF/0637/18 - THE LODGE, WOOLSTON HALL, CHIGWELL (Pages 61 - 78)**

To consider the attached report of the District Development Management Committee with regard to planning application EPF/0637/18 (The Lodge, Woolston Hall, Chigwell), which was referred to the Council by the Committee at its meeting on 1 August 2018.

### **12. OVERVIEW AND SCRUTINY COMMITTEE (Pages 79 - 80)**

(a) To receive the report of the Chairman of the Overview and Scrutiny Committee and to answer any questions without notice asked in accordance with Council Rules.

### **13. AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2017/18 (Pages 81 - 88)**

(Chairman of the Audit & Governance Committee) To note the attached annual report of the Audit & Governance Committee for 2017/18.

### **14. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS (Pages 89 - 90)**

(a) To receive the attached report from Councillor H Kane, as the Council's representative on the Royal Gunpowder Mills, Waltham Abbey;

(b) To receive from Council representatives any other reports on the business of joint arrangements and external organisations and to receive answers to any questions on those bodies which may be put without notice; and

(c) To request written reports from representatives on joint arrangements and external organisations for future meetings.

## 15. EXCLUSION OF PUBLIC AND PRESS

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Paragraph Number	Information
Nil	Nil	Nil	

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Background Papers:** Article 17 of the Constitution (Access to Information) define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

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## EPHING FOREST DISTRICT COUNCIL COUNCIL MINUTES

<b>Committee:</b>	Council	<b>Date:</b>	31 July 2018
<b>Place:</b>	Council Chamber, Civic Offices, High Street, Epping	<b>Time:</b>	7.30 - 9.02 pm
<b>Members Present:</b>	Councillors R Bassett (Chairman), R Gadsby (Vice-Chairman), N Avey, A Beales, H Brady, P Bolton, R Brookes, L Burrows, 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, Y Knight, J Lea, A Lion, A Mitchell, G Mohindra, R Morgan, M Owen, A Patel, J Philip, C P Pond, C C Pond, M Sartin, J Share-Bernia, S Stavrou, D Stocker, D Sunger, B Vaz, E Webster, C Whitbread, H Whitbread, J H Whitehouse, J M Whitehouse and D Wixley		
<b>Apologies:</b>	Councillors R Baldwin, N Bedford, M McEwen, L Mead, S Murray, S Neville, C Roberts, D Roberts, B Rolfe, B Sandler and P Stalker		
<b>Officers Present:</b>	A Hall (Director of Communities), S Tautz (Democratic Services Manager), P Maddock (Assistant Director (Accountancy)), P Seager (Chairman's Secretary), S Kits (Social Media and Customer Services Officer) and R Perrin (Senior Democratic Services Officer)		

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### 14. WEBCASTING INTRODUCTION

The Democratic Services Manager 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.

### 15. FORMER COUNCILLOR F. S. LOVE

It was with much sadness that the Chairman informed the Council of the death of former Councillor Frank Love.

Former Councillor Frank Love had represented the Chipping Ongar Ward of the District as a Conservative Councillor from 1978 to 1991. He had served on many of the Council's member bodies and outside organisations during his time.

Members paid tribute to the memory of former Councillor Frank Love and stood for a minute's silence in his memory.

### 16. MINUTES

#### RESOLVED:

That the minutes of the Council meetings held on 24 May 2018 be taken as read and signed by the Chairman as a correct record.

### 17. DECLARATIONS OF INTEREST

There were no declarations of interest by members of the Council under this item.

**RE-ORDER OF AGENDA**

The Chairman advised that with the consent of the Council, the motion under agenda item 10, Motions, would be brought forward as the next item of business.

**18. MOTIONS****(a) Holocaust Memorial**

**Moved by Councillor G. Chambers and seconded by Councillor H. Kauffman**

“(1) That the Leader of Council appoint the relevant Portfolio Holder to secure an official Holocaust memorial within our District and brings forward a proposal (after working with the mover and seconder of this motion) to a future Cabinet meeting;

(2) That, once completed, the Chairman of Council give consideration to an appropriate commemoration of Holocaust Memorial Day within his/her annual calendar of events; and

(3) That the wording of any memorial will only say Holocaust memorial, the person it was opened by and the actual year.”

**Carried Unanimously**

**Motion as first moved ADOPTED**

**RESOLVED:**

(1) That the Leader of Council appoints the relevant Portfolio Holder to secure an official holocaust memorial within the District and bring forward a proposal (after working with the mover and seconder of this motion) to a future Cabinet meeting;

(2) That, once completed, the Chairman of Council give consideration to appropriate commemoration of Holocaust Memorial Day within his/her annual calendar of events; and

(3) That the wording of any memorial will only say Holocaust memorial and the person it was opened by and the actual year.”

**19. ANNOUNCEMENTS****(a) Announcements by Chairman of Council**

The Chairman advised that he had attended numerous events around the district including the Freedom Parade and salute of the 56 Squadron at North Weald, Our Voices Choir from Ongar, visiting various old people's homes and attending the Conservators of Epping Forest event.

**(b) Flowers**

The Chairman announced that he intended to send the flowers from tonight's meeting to the wife of former Councillor and Chairman of the Council David Stallan as he was currently unwell.



**20. PUBLIC QUESTIONS (IF ANY)**

The Council noted that there were no public questions submitted for consideration at the meeting.

**21. QUESTIONS BY MEMBERS UNDER NOTICE****Question by Councillor G. Chambers to the Portfolio Holder for Safer, Greener and Transport, Councillor S. Kane**

“Whilst I appreciate that most resources are going towards the Local Plan, I am concerned at the lack of progress on the proposed Buckhurst Hill Conservation Area which started in 2011.

Please can you provide me and my fellow ward councillors with an update on this application and also set out some robust time lines when this will be delivered for our residents.”

**Answer to Councillor G. Chambers from Councillor S. Kane, Portfolio Holder for Safer, Greener and Transport.**

“I would like to thank Councillor G. Chambers for his question and keeping the issue in the spotlight. After enquiring about this issue, I can confirm that the draft Conservation report has been completed and a copy has now been passed onto you. I would like to thank Maria Kitts and the Conservation Team for completing this document, which would be shortly sent out for consultation.”

**22. 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 members of the Cabinet to give an update of their written report, if required.

**(a) The Leader of Council**

The Leader advised that he had attended many meetings across the district since the last Council meeting.

Firstly, as part of the Council’s programme of modernisation covered within the People Strategy, a new officer structure had been agreed. At the most senior level, the new Management Board would consist of the Chief Executive and two Strategic Directors. In June following a rigorous interview process which included technical assessments, a stakeholder panel and a presentation, Georgina Blakemore had been appointed as one of the Strategic Directors. She had previously held senior corporate roles at both Colchester and Basildon Councils. Unfortunately, the Appointments Panel had not felt able to appoint another person to the other Strategic Director position at this time and it would remain vacant. The intention was still to recruit another Strategic Director, in consultation with the external advisors SOLACE and the Senior Management Selection Panel would meet again in September 2018 to take this forward.

On the 20 July 2018, he had attended the launch of the Community Safety Hub, which brought together the Council, Essex Police and other agencies at the Civic Office. He credited the Safer, Greener and Transport Portfolio Holder, Councillor S Kane who when appointed to the role, set out to do something about anti-social

behaviour in the district. The new Hub also demonstrated the future vision of how the Council would look and would improve the working environment for officers.

He had also attended the 150 year celebrations of Smithfield Market hosted by the City of London Corporation at Guildhall, in the presence of Princess Anne. Finally, he had attended a meeting with the leaders of the neighbouring districts regarding the centre core of the London Stansted Cambridge Corridor (LSCC), which works together to promote jobs and future opportunities for the district, Harlow, Uttlesford, Broxbourne and East Herts.

(b) Safer, Greener and Transport Portfolio Holder

Councillor S. Kane advised that the Petanque Day mentioned in his Portfolio Holder Report to Council was organised by Ongar and District Twinning Association not the Ongar Town Forum as suggested.

(c) Technology and Support Services Portfolio Holder

Councillor A. Lion advised that the drop in i-trent training session for new members would be rescheduled due to the launch of the Community Safety Hub.

He also advised that the Council had been mentioned in the Financial Times on 18 July 2018, regarding the District having one of the highest Broadband speeds.

(d) Planning and Governance Portfolio Holder

Councillor J. Philip advised members that the annual canvass of electors had begun and the forms should have started to be received. He pointed out that there were a number of automated ways to respond, which he would like to encourage residents to use and which were faster and cheaper for the Council. Already, 5% of residents had responded and he encouraged both members and residents to respond quickly to prevent fewer people to chase and the costs associated.

## **23. QUESTIONS BY MEMBERS WITHOUT NOTICE**

(a) Bring Banks/Biffa

Councillor C.C. Pond asked the Environment Portfolio Holder to report back to Council on the outcome of the recycling Bring Banks investigation and to pass on his thanks to Biffa for their efforts in the recent heatwave.

Councillor N. Avey advised that he would be reporting back on the recycling Bring Bank investigation and would pass on the Council's thanks to Biffa.

(b) Anti-Social Behaviour

Councillor H. Whitbread asked the Safer, Greener and Transport Portfolio Holder to expand on how anti-social behaviour in the summer months would be tackled.

Councillor S. Kane advised that the summer months were the most difficult when it came to anti-social behaviour. Park guard had been tasked to patrol known problematic areas of the district and the additional Police would also be able to assist.

(c) Loughton Leisure Centre

Councillor R. Brookes asked the Leisure and Community Services Portfolio Holder if the residents in Tycehurst Hill could be updated on the noise disturbance being experienced from Loughton Leisure Centre and whether any further disturbance could be moderated for the neighbouring properties.

Councillor H. Kane advised that there were two aspects to the noise complaints. Firstly, the construction noise experienced out of hours had been the result of several break ins, which had required replacement doors and steel shutters being installed late at night and the occasional over night work required to prevent the centre closing in the day time. She had spoken to the leisure management contractor and advised that they regretted the noise and impact on the surrounding properties and would undertake to minimise any further noise. The work was also scheduled to be completed at the end of August, which would help the situation. Furthermore, a contractor was in the progress of installing sound limiters and an acoustic engineer would be assessing the building, ceilings and wall materials. Although this may take some time and residents had been asked to keep noise diaries by the Environmental Health Officers.

The usage of the Leisure Centre has remained stable and the extension would allow for more residents to use the facilities.

(d) Knolly's Nursery, Waltham Abbey

Councillor D. Dorrell asked the Housing Portfolio Holder about whether the stringent nomination requirements had been adhered to, and the ongoing issues with Thames Water had been resolved at the development on the former Knolly's Nursery. He also raised concerns about the speed of traffic on Pick Hill.

Councillor S Stavrou advised that the development at Knights Wood, previously known as Knolly's Nursery had been developed in close partnership with a locally based developer, Hill Partnerships and the housing association East Thames. The development contained 80% affordable housing, which comprised 38 affordable rented homes and 25 shared ownership homes. All of the rented properties had been let to households living within the District for at least 5 years and had been registered on the Council's Housing Register. In addition to this, half were local residents from Waltham Abbey. Furthermore, Councillor S. Stavrou advised that the 79 homes were also contributing to the overall number of new homes required by the proposed Local Plan.

Councillor S. Kane advised that traffic issues at Pick Hill were being considered through the Local Highways Panel, who would determine the best course of action and consider other parking issues by the school in that area. It appeared that Thames Water were digging up and replacing water pipes in this area as well.

(e) Waltham Abbey Leisure Centre

Councillor D. Stocker asked the Leisure and Community Services Portfolio Holder whether the Waltham Abbey Leisure Centre and Swimming Pool was on target to be completed in November 2018.

Councillor H Kane advised that the Waltham Abbey Leisure Centre was on schedule and may possibly be completed before this date. She had arranged for members and some residents to have a tour of the centre on Tuesday 11 September 2018 at 10 a.m.

(f) Nitrous Oxide Canisters

Councillor D Wixley asked the Leisure and Community Services Portfolio Holder whether representation could be made to the District's three MP's regarding the controlled sale of nitrous oxide canisters and whether the Government should be lobbied to consider legislation on the vetting of the distribution. He advised that he was willing to put forward a motion to a future Council meeting and was looking for guidance and support from members initially.

Councillor H Kane advised that she would invite the Youth Council and Police to consider this issue, in the first instance, to discuss and recommend a way forward. If Councillor D. Wixley presented a motion to a future Council meeting, she said that she would be happy to discuss this with him beforehand.

Councillor S. Kane advised that there was nothing illegal about the canisters but they were a source of anti-social behaviour and lobbying local MP's would be a sensible suggestion.

(g) Buckhurst Hill Outdoor Gym

Councillor A. Patel asked the Environment Portfolio Holder whether he could investigate the negotiations between the Council and Buckhurst Hill Parish Council regarding a piece of land in Buckhurst Hill, which had been suggested as becoming an outdoor gym.

Councillor N. Avey advised that he was very supportive of this and would look into the negotiations.

(h) Broadband

Councillor K. Chana asked the Technology and Support Services what was the Council's current position on broadband and whether the super fast broadband would be available to all residents and businesses in the District and how it would benefit the community.

Councillor A. Lion advised that the District was part of an extensive programme for faster broadband in Essex and the Council's intention was to be the best connected district in Essex. There was currently 96% broadband coverage in the District and within the next two years this would increase to 99.67%. Unfortunately, there would be approximately 210 houses that would not be serviced by this broadband service, but there were other ways they could receive the service.

(i) Fly Tipping

Councillor J. Share-Bernia asked the Environment Portfolio Holder whether there was an established time scale between the reporting of fly tipping and collection of the items.

Councillor N. Avey advised that the Council relied on residents reporting fly tipping and each case was logged with the Environment and Neighbourhoods Team, to be investigated. Once reported, action was taken as soon as possible, although each case had to be investigated to discover what the fly tipping contained and what disposal and action was required. There were also issues around the ownership of land which affected the issue.

**24. WASTE MANAGEMENT RECYCLING****Mover: Councillor N. Avey, Environment Portfolio Holder**

Councillor N. Avey submitted a report regarding the financial impact of the inability to sell recycling materials in the Chinese market. He stated that, following specialist advice, a settlement offer had been made by the Council in recognition of the investment made by Biffa to improve the quality of output materials from their Material Recycling Facilities and to ensure all of the Council's recycling materials were reprocessed and recycled. A financial contribution to Biffa Municipal had been agreed by Cabinet on 14 June 2018 and required agreement from Council.

Report as first moved **ADOPTED****RESOLVED:**

(1) That a one off Capital supplementary estimate in the sum of £200,000 in 2018/19 be approved; and

(2) That the first payment of a Revenue supplementary estimate in the sum of £50,000 for 2018/19 be approved.

**25. OVERVIEW AND SCRUTINY COMMITTEE****(a) Overview and Scrutiny Annual Report**

The Council received and noted the Annual Report of the Overview and Scrutiny Committee, its Select Committees and the Task and Finish Panels for 2017/18 presented by the Overview and Scrutiny Committee Chairman, Councillor M. Sartin.

**(b) Report of the Chairman of the Overview and Scrutiny Committee**

The Council received a written report from Councillor M. Sartin, the Chairman of Overview and Scrutiny Committee on issues considered at its last meeting.

**26. STATUTORY STATEMENT OF ACCOUNTS 2017/18****Councillor J. Knapman, Chairman of Audit and Governance Committee.**

Councillor J. Knapman advised that the date for completion of the Statutory Statement of Accounts for 2017/18 had been changed, and brought forward, to 31 July 2018. This had resulted in the late submission of the Statutory Statement of Accounts to the Audit and Governance Committee for scrutiny and the external auditors were still working on the audit, at the time of the Council meeting, although no significant changes had been presented to date. The Audit and Governance Committee were recommending the adoption of the Statutory Statement of Accounts 2017/18, subject to any minor changes arising from the completion of the audit process.

Report as first moved **ADOPTED****RESOLVED:**

That the Statutory Statement of Accounts for 2017/18 be adopted subject to any minor amendments required by the Section 151 Officer.

**27. APPOINTMENT TO AUDIT AND GOVERNANCE COMMITTEE**

The Council's Constitution Article 11, Paragraph 8 (Eligibility for Membership - Councillor Members), stated that councillors appointed to the Audit and Governance Committee could not also be members of any select committee appointed by the Overview and Scrutiny Committee with responsibility for reviewing the Council's finances or financial procedures. Councillor A. Patel had been appointed to the membership of the Audit and Governance Committee for 2018/19 at the Annual Meeting of the Council on 24 May 2018 and as Chairman of the Resources Select Committee by the Overview and Scrutiny Committee on 4 June 2018. Councillor A. Patel had indicated that he wished to remain on the Resources Select Committee and had therefore resigned from the Audit and Governance Committee. A new Conservative nomination was required for the municipal year 2018/19.

**RESOLVED:**

That Councillor P. Bolton be appointed to the Audit and Governance Committee for the remainder of the 2018/19 municipal year.

**28. PLANNING PROCESS REVIEW 2017/18**

Councillor J. Philip presented a report on behalf of the Chairman of the Constitution Working Group regarding a review of the current arrangements for the delegation of planning-related matters to officers to ensure a smooth implementation of the Local Plan.

Councillor J. Philip advised that the words in Article 10 of the Constitution (District Development Management Committee and Areas Plans Sub-Committee) Appendix 3 (9) "after the 6 week deadline" should also be removed.

**Carried**

**Report as amended ADOPTED****RESOLVED:**

(1) That the words "Director of Governance" in paragraph (3) of the Working Groups Terms of Reference be replaced with the words "Monitoring Officer" as set out in Appendix 1 to this report.

(2) That the revised planning delegation (currently numbered CLD 2 in the scheme of delegation from the Council) as set out at Appendix 2 to the report be approved;

(3) That Article 10 of the Constitution (District Development Management Committee and Area Plans Sub-committees) be amended as follows (and as set out in Appendix 3 to the report):

(i) within the section on the Terms of Reference of the District Development Management Committee, the deletion of the following words in paragraph (f) of that subsection, "(and/or a spouse or partner thereof)" and the insertion of the words "(and/or their relevant person as defined in the Council's Code of Conduct)";

(ii) within the section on the Terms of Reference of the Area Plans Sub-committees, deletion of paragraph (5) of that subsection and the insertion of a new paragraph (5) as follows:

“(5) Planning applications made by officers of Service Director level and above”

(iii) within the section on the Terms of Reference of the Area Plans Sub-committees the inclusion of the following additional words as a new subsection:

“(7) To request officers to undertake enforcement action on a site where members have refused a retrospective planning application; and

(8) To require a report to the relevant Plans Sub-committee from officers in those cases where no further action is subsequently proposed, such a report to give option to refer enforcement action to the District Development Management Committee; and

(9) To require such report be made within 2 months after the elapsing of the timescale within which a retrospective application can be appealed and that the sub-committee is informed if an appeal has been launched.”;

(4) That the Monitoring Officer be asked to make the required changes to the schedule of delegations and Article 10 of the Constitution; and

(5) That the Constitution Working Group be asked to undertake a review of the impact of these changes after a year of operation.

## **29. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

a) There were no updates from council representatives on any other business of joint arrangements and external organisations; and

b) There were no requests made for written reports by representatives on joint arrangements and external organisations for the next meeting.

**CHAIRMAN**

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## CONSTITUTION WORKING GROUP

### TERMS OF REFERENCE

<b>Title:</b> Constitution Working Group
<b>Status:</b> Working Group
<b>Terms of Reference:</b>  (1) To review any aspect of the authority's constitutional arrangements as requested by the Council;  (2) To undertake general reviews of specific elements of the Constitution in order to ensure that the authority's constitutional arrangements complement current legislative requirements and decisions made by the Council; and  (3) To consider any proposals of the Monitoring Officer for necessary revision to any element of the Constitution.  <b>Reporting:</b>  The Working Group shall report directly to the Council in connection with its Terms of Reference and the achievement of its work programme.
<b>Chairman: Councillor M McEwen</b>

S. Hill (July 2018).

## **Appendix 1**

### **Planning Delegations**

#### **CLD2**

#### **Service Director – Planning**

##### **A. To determine:**

- (a) All Full Planning Applications
- (b) All Householder Planning Applications
- (c) All Outline Applications and Reserved Matters Applications
- (d) All applications for Advertisement Consent,
- (e) All Applications for Listed Building Consent
- (f) All applications for Demolition in Conservation Areas
- (g) All Applications for Hazardous Substance Consent
- (h) Tree Preservation Order Consent applications where felling is proposed.
- (i) All Applications for Variation or Removal of Conditions

except the following which shall be determined by the committee or subcommittee indicated in Article 10 to the constitution:

1. Applications for residential developments consisting of 10 or more dwellings (unless approval of reserved matters only) which are recommended for approval;
2. Applications made by the Council on land and / or property in its ownership which are for disposal, in accordance with the size of application set out in Article 10 of the Constitution.
3. Applications recommended for approval where at least one of the following have been received:
  - a. At least 5 expressions of objections material to the planning merits of the proposal are received (or where less than five have been consulted, the majority of those responding have objected); or
  - b. An objection is received from a local council, supported by at least one non-councillor resident, with material planning reasons; or
  - c. An objection from a Local Council, material to the planning merits of the proposal is received and confirming in writing their intention to attend and speak at the meeting where the proposal will be considered.

4. Applications which a member (whose ward is within the Plans Sub-Committee Area) has requested be referred to committee for consideration subject to:
  - a. The request is made in writing within 4 weeks of that application's notification in the weekly list.
5. Any application by an elected member or Senior Officer (Head of Service and above) of the Council or a relevant person (see code of conduct for definition) recommended for approval;
6. Any other application which the Head of Planning considers appropriate to be determined by members.

**B. To determine;**

All matters, set out below, unless the Service Director, Planning considers it appropriate to be determined by members.

**1. Planning Related Applications**

- (a) Tree Preservation Order consent applications other than where felling is proposed
- (b) All notification applications
- (c) All prior approval applications.
- (d) All certificates of lawful use and development.
- (e) All applications for non-material amendments to applications.
- (f) All applications for approval of details reserved by condition.
- (g) All applications for Permission in Principle for Minor Housing Led Development and for Technical Details Consent

**2. Planning and Related Procedures**

- (a) Finalising the conditions or reasons for refusal, which appear on decision notices.
- (b) The preparation of legal agreements, in consultation with the Service Director Governance and Member Services/Solicitor to the Council, within the terms of any relevant Committee resolution.
- (c) Determining the need for information required to make a decision on a planning application including the need for, and scoping of, an Environmental Assessment.
- (d) Deciding the charge to be made for the provision of information where the normal scale of charges is inappropriate (e.g. information requiring research and/or to be used for commercial purposes.)
- (e) Deciding what should be within the Councils Local Validation Checklist.

**3. Enforcement**

- (a) To determine whether any enforcement should be taken and what such action should entail.
- (b) Issuing Stop Notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Planning Contravention Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Notices under Section 215-219 of the Town and Country Planning Act 1990 (as amended), for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy.
- (c) Prosecution of the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised.
- (d) Take appropriate enforcement action, including serving an injunction where the Head of Planning or their nominee, having regard to the evidence, considers the circumstances to require urgent action.
- (e) Investigation and prosecution of breaches of temporary market requirements
- (f) Variation of the requirements for compliance with any enforcement related notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices.
- (g) To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice subject to budget provision being available and to local District Councillors being notified
- (h) To report to an Area Plans Sub-committee on specific enforcement cases were requested by members.

#### **4. Entry onto Land**

- (a) To Authorise officers and agents engaged by the Council to use the relevant powers of entry as necessary and make application to the magistrates court for a warrant authorising entry where applicable in relation to any matter set out in this Annex.

**ARTICLE 10****District Development Management Committee and Area Plans Sub-Committees**

The Council will establish the following Committees which shall be appointed at its annual meeting.

**Membership**

- (1) The following shall be the non-executive committees of the Council, consisting of the number of members set out below:

<b>Committee or Sub-Committee</b>	<b>Number of Councillors</b>	<b>Membership</b>
District Development Management Committee	15 members	15 members of the Council appointed by the Council at its Annual meeting, subject to pro rata requirements and including those members appointed as Chairman of each Area Planning Sub-Committee.  Members to be appointed on the basis of aptitude, interest and planning experience
Area Plans Sub-Committee South	25 members	All District Wards in the parishes of Buckhurst Hill, Chigwell and Loughton;
Area Plans Sub-Committee East	19 members	The District Wards of Chipping Ongar, Greensted and Marden Ash; Epping Hemnall; Epping Lindsey and Thornwood Common; Hastingwood, Matching and Sheering Village; High Ongar; Willingale and The Rodings; Lambourne; Lower Sheering; Moreton and Fyfield; North Weald Bassett; Passingford; Shelley and Theydon Bois.
Area Plans Sub-Committee West	14 members	All District Wards in the parish of Waltham Abbey together with the District Wards of Lower Nazeing; Broadley Common, Epping Upland and Nazeing and Roydon.

- (2) Members of the Council appointed to each Area Plans Sub-Committee shall be drawn solely from those representing wards within the area for which the Sub-Committee is responsible shown in the 'Membership' column above. Seats on each Sub-Committee shall be allocated to all Councillors representing electoral wards in the areas concerned. The requirement for the appointment of Sub-Committees from all members of the Council shall not apply to the Area Plans Sub-Committees.

- (3) Newly elected members may be appointed to the relevant Area Plans Sub-Committee at the next ordinary meeting of the full Council.
- (4) A member of the executive may serve on an Area Plans Sub-Committee if otherwise eligible to do so as a Councillor.

**Responsibility for functions:**

The Committee and Sub-Committees the subject of this Article have responsibility for determining matters which have been delegated by the Council and the Executive shown in Part 3 of this Constitution, showing those which are the responsibility of the Executive and those which are not Executive functions and any limitations on delegation.

**Terms of Reference:**

**District Development Management Committee**

- (1) To determine:
  - (a) Any development proposals which affect more than one Area Plans Sub-Committee;
  - (b) Any 'large scale' application<sup>1</sup> (as defined below);
  - (c) Any 'major' application<sup>2</sup> (as defined below) where the Council is the land owner;
  - (d) Any application referred by an Area Plans Sub-Committee by resolution, by a minority of members of an Area Plans Sub-Committee in accordance with the Council's Rules or where the Sub-Committee is unable to determine the application;
  - (e) To determine any recommendation of an Area Plans Sub-Committee which relates to potential decisions liable to give rise to claims for costs or compensation, including development management matters and enforcement of planning requirements (including recommendations of no action) but excluding works on preserved trees;
  - (f) Any planning application or other planning matter submitted by, or on behalf of, a Councillor of the Authority (and/or their relevant person as defined in the Council's Code of Conduct); and

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<sup>1</sup> 'Large-scale major development' means development involving any one or more of the following;

- (a) The provision of dwellinghouses where (i) The number of dwellinghouses to be provided is 200 or more: or (ii) The development is to be carried out on a site having an area of 4 hectares or more where the number of dwellinghouses is not known (normally an Outline application) or
- (b) The provision of a commercial building or buildings where the floor space to be created by the development is 10,000 square metres or more: or
- (c) Commercial development carried out on a site having an area of 2 hectares or more.

<sup>2</sup> 'major development' means development involving any one or more of the following;

- (a) The provision of dwellinghouses where (i) The number of dwellinghouses to be provided is 10 or more up to 199: or (ii) The development is to be carried out on a site having an area of 0.5 hectares or more but just less than 4 hectares where the number of dwellinghouses is not known (normally an Outline application)..
- (b) The provision of a commercial building or buildings where the floor space to be created by the development is 1,000 square metres or more up to 9,999 square metres: or
- (c) Commercial development carried out on a site having an area of one hectare but less than 2 hectares.

- (g) Any development proposals for a site made by or on behalf of the Council or where the Council is the landowner that has been recommended for refusal by the relevant Area Plans Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted.

#### **Area Plans Sub-Committees**

- (1) To consider all applications (except as may be delegated to the Service Director (Planning Services) or fall to the District Development Management Committee to determine as set out above) received for development within the respective Sub-Committee area and, except as detailed below, to make decisions on behalf of the local planning authority thereon;
- (2) Subject to the prior approval of the Chairman of the Sub-Committee, to consider informal proposals for development and to give guidance to the Service Director (Planning Services);
- (3) To consider planning applications made by other authorities which are considered by the Service Director (Planning Services) to require member response;
- (4) To consider and make recommendations to the District Development Management Committee on applications for development where:
  - (a) the Sub-Committee's proposed decision is a substantial departure from:
    - (i) the Council's approved policy framework; or
    - (ii) the development or other approved plan for the area; or
    - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
  - (b) the refusal of consent may involve the payment of compensation; or
  - (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
  - (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution; or
  - (e) development proposals for a site are made by or on behalf of the Council or where the Council is the landowner, that are recommended for refusal by a Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted;
- (5) Planning applications made by officers of service Director level and above;
- (6) Where an application is objected to by a Councillor in a purely personal capacity.
- (7) To consider enforcement action on a site where members have refused a retrospective planning application;
- (8) To require a report to be made to the relevant Area Plans Sub-Committee from officers in those cases where no further action is subsequently proposed, such

report to give option to refer enforcement action to the District development management Committee; and

- (9) To require that such report be made within two months after the elapsing of the timescale within which a retrospective application can be appealed and that the Sub-Committee is informed if an appeal has been launched.

**Public Participation at District Development Management Committee and Area Plans Sub-Committees on Planning Matters**

- (1) There shall be afforded to those classes of persons specified in the rules for participation at Appendix 1 to this Article an opportunity, on request, to make oral representations to any Area Plans Sub-Committee (or in appropriate circumstances, the District Development Management Committee) meeting concerning any planning application or related matter before that Sub-Committee for determination.
- (2) The procedure for dealing with requests to address an Area Plans Sub-Committee or the District Development Management Committee shall be as prescribed from time to time by the Council and as set out in Appendix 1 to this Article.

**Site Visits**

- (1) Formal Site visits may be undertaken of any potential development site subject to application where there is a substantial benefit to the decision-making process. Such a visit may be approved by the Sub-Committee at the meeting where they are being asked to determine the matter or in advance on the recommendation of the Assistant Director of Governance (Development Management in consultation with the Chairman of the Sub-Committee.
- (2) Formal Site visits will be undertaken following the guidance at Appendix 2 to this Article



## ***Report to the Council***

**Committee:** Cabinet

**Date:** 25 September 2018

**Subject:** Assets & Economic Development

**Portfolio Holder:** Councillor A. Grigg

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### **Recommending:**

**That the report of the Assets & Economic Development Portfolio Holder be noted.**

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### **1. Visitor Economy**

**Partnership working** – I am happy to report that the 2018 Tourism and Visitor Summit will be held on 26 October at the Marriott Hotel Waltham Abbey. Work is continuing between Harlow, East Herts, Uttlesford, Broxbourne and Epping Forest District Councils to explore joint marketing and promotion opportunities.

**Events** - The proposed 2019 Food Fair for Waltham Abbey is moving forward with tentative dates of 05 and 06 May.

**External funding** – I reported previously that the Team was looking at an expression for an Interreg bid partnering with a town near to Paris. Unfortunately the French partners have decided to withdraw from this bid. In the Summer Economic Development worked with EFDC Museums, Heritage and Culture and Broxbourne Council to submit an Expression of Interest to the Cultural Development Fund focusing on Waltham Abbey and Hoddesdon but bringing in some other locations across the area but unfortunately that was not successful on this occasion. The Team will continue to work with partners to identify other opportunities.

### **2. Digital Innovation Programme**

This element of the Economic Development Team's work is covered in greater detail within Councillor Lion's Portfolio Holder Report so here I reference only a few recent headline activities. Following the successful symposium to discuss the development of the Digital Innovation Strategy for the West Essex and Eastern Hertfordshire Digital Innovation Zone (DIZ) in June, the Team is organising a further seminar in December. This will have the theme of the Internet of Things (IoT). The first draft of the Digital Innovation Strategy has been received from Arup and it is hoped to launch the strategy later in 2018.

### **3. Economic Development Strategy**

The Team is focusing on the delivery of a new long term Economic Development Strategy as referenced in my April report. Work is currently underway in compiling the economic evidence base. This will be finalised in the next month and there will then be a programme of engaging key partners, businesses and Members in developing the strategy with sign-off anticipated early 2019.

### **4. Business Support**

I have reported previously that the Team has worked closely with South East Business Boost to encourage uptake within the District. Approvals have been strong this year following the EFDC hosted one-to-one sessions in February 2018. 10 businesses have now received grants totalling £86,000 (please note that the maximum grant available is £10,000 – whilst a fairly small grants programme it can help make the difference between a business being able to purchase a capital item that could help them grow their business and not being able to take that step). The Team is to work with Best Growth Hub and South East Business Boost to help them deliver more one-to-one sessions in employment areas across the district.

## **5. Partnership/ Strategic Working**

The government published a review into Local Enterprise Partnerships in July 2018 and the Team will continue to work to ensure that Epping Forest District's needs and interests are represented at the LEP level. The Team promoted the 'call' for Expressions of Interest to Local Growth Fund Round 3b cascaded via LEPs in the Summer. This led to a submission from Woodside Industrial Estate to help in the delivery of its second phase of new employment space and associated works. The Team continues to work closely with neighbouring authorities which represent a central core of the London Stansted Cambridge Corridor (LSCC) on opportunities to collaborate to deliver economic growth and similarly is actively involved in the economic aspects of the delivery of Harlow & Gilston Garden Town and the Harlow 100 Vision.

The Team provided detailed input in August to a study commissioned by Essex County Council to identify available employment sites suitable to deliver commercial floorspace, and recommend a toolbox of targeted interventions that will address local supply issues to unlock the development of space to support. This commission follows previous work at County level that identified decline in availability of office/industrial space.

## **6. Epping Forest District Skills Board**

Following the merger of Epping Forest College with New City College Officers are seeking to meet the new Leadership Team to understand the new college's role in the Skills Board.

## **7. Food Sector**

A number of key partners from across the South East have indicated a willingness to become part of a new South East Strategic Food board and EFDC is making arrangements for the first meeting of this new group. Despite loss of the Team lead for the BioBoost Project Economic Development is continuing to deliver this work.

## **8. Asset Management**

Epping Forest Shopping Park

The letting to Home Bargains has completed and the new store opened for trading on 1<sup>st</sup> September 2018. The lease of the one remaining unit with Boots Plc is now in agreed form and completion is imminent pending approval of the tenant's fit-out and M&E works. EFDC continues to liaise with the project managers to resolve the roof leaks and with managing agents Savills regarding the improper use of car park.

Further to meetings with the Broadway traders, a retail impact assessment is due to be carried out very shortly.

### North Weald Airfield

The new lease to NPAS is in agreed form and completion is expected shortly pending Secretary of State funding approvals that are being sought by NPAS. Terms are being finalised with the Air Ambulance for a new lease and their Board Approval for these are expected by the end of September 2018.

Discussions with the market operator are on-going regarding renewal of the operating agreement.

### Landmark (former Winston Churchill PH / The Broadway, Debden)

The letting to the Mediterranean restaurant has now completed as well as the separation works and fit out works are imminent as well as the required extraction and signage work.

The lease to the pub is in agreed form and EFDC is currently awaiting agreement of rights to use the rear access for servicing before completion of this.

New letting agents are due to be appointed to conclude the lettings of the remaining space.

### Pyrls Lane Nursery

Relocation of the nursery to Town Mead and vacant possession of the site is due by the end of 2018.

The marketing of the site has concluded and the two strongest offers on both bases per the 2017 Cabinet Report with respect to Social Housing will be reported to Cabinet for approval in October.

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# ***Report to the Council***

**Committee:** Cabinet

**Date:** 25 September 2018

**Subject:** Environment

**Portfolio Holder:** Councillor N. Avey

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## **Recommending:**

**That the report of the Environment Portfolio Holder be noted.**

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## **Environment & Neighbourhoods (EN)**

### **Fly-tipping**

Fly-tipping incidents continue to remain at a high level district wide, with a wide variety of items tipped. Fly tipping incidents can range from a few black bags of waste or single items, effectively left in the wrong place by residents and local businesses, then increasing in size and seriousness involving rogue traders and criminal enterprises collecting and tipping waste illegally for profit.

In October 2018, the Cleaner Essex Group (CEG), a campaign group made up from local authority representatives across Essex, will be “recycling” and refreshing the Crime Not to Care campaign developed in 2017, to highlight the problem of fly-tipping. The campaign asks residents and businesses to ensure that when they hand their waste over to somebody else to dispose of that they always “Check, Consider and Record” to comply with their duty of care and keep their waste out of the hands of rogue traders, who fly-tip for profit.

Films developed by the CEG for the campaign are available to view on the Council’s website via this link: [Crime Not to Care Campaign](#).

The campaign will be targeted at social media groups across Essex and will attempt to get the message out to residents who may not already have links with their local Council and who may not be fully aware of the law, or services local authorities provide to dispose of bulky waste (as an alternative to employing a private contractor).

### **Change in littering law - update**

In April 2018, a new penalty charge notice (PCN) was introduced nationally for littering from vehicles. The new PCN means that a penalty (£100) can be issued to a vehicle owner if it can be proven litter was thrown from their vehicle – even if it was discarded by somebody else in their vehicle.

Previously, using existing litter control laws and fixed penalty notices (FPN), it was necessary to identify the person who dropped the litter. The new law means that it will be easier for officers to issue a penalty if they witness littering from a vehicle, either issuing a PCN if the person who littered cannot be identified or FPN if a specific offender can be identified. Effectively this means that there will be no excuse for littering from a vehicle.

Use of the new litter PCN relies on the development of an external appeals process administered by the Traffic Penalty Tribunal (TPT). TPT require use of an online appeals

process to submit evidence of the case and appeal information, similar to that used for parking offences. However TPT do not provide the online service. This relies on private software developers. Officers are currently investigating what options are available and the costs involved, so that the full appeals process can be set up and the PCN used.

The Cleaner Essex Group is intending to run a vehicle litter campaign in 2019 to highlight the change in the litter law.

### **Noise nuisance**

A resident in Waltham Abbey is facing prosecution proceedings on 11 October 2018 after allegedly breaching a noise abatement notice of four separate occasions by playing loud music. A hearing in Chelmsford Magistrates court on 28 June 2018 was adjourned after the defendant failed to appear. The court was informed that she was unable to attend due to medical reasons.

Environment & Neighbourhood Officers provide a call out service for noise complaints made outside normal office hours. Telephone 01992 564000. Between 1pm and midnight, all noise complaints will be passed to the duty noise officer. After midnight and before 1pm a restricted service is available for premises on an emergency call out list, request from the police and where three or more complaints are received.

More information is available at:

<http://www.eppingforestdc.gov.uk/index.php/residents/your-environment/crime-safety/environment-and-neighbourhoods-team/out-of-hours-noise-service>

### **Unauthorised encampments**

Environment & Neighbourhood officers started possession proceedings after an unauthorised encampment arrived on Council Housing land off Burney Drive, Loughton in August. The encampment was relatively small, with 4 caravans and associated vehicles. There were a number of complaints about dog barking noise from the site and concerns in general about the land being occupied. Officers obtained a date for a court hearing, but the occupiers left the site before it was necessary to proceed with the hearing.

Over the summer the police also used their powers ("s.61") to move on larger encampments from playing fields in Fyfield and Abridge.

### **Hazardous fly tipping**

At the last meeting I informed Members about the difficulties in collecting hazardous waste from the public highway due to the problems Essex County Council was having with their contractors. I am pleased to report that our contractor Biffa will be taking over the removal of small scale waste, this will include chemical, hazardous and asbestos waste. This will improve collection timescales for small scale hazardous waste.

### **Recycling banks**

The review of Recycling Banks has now been completed and Biffa has produced their report on the future of recycling banks in the district. We are reviewing the performance of each site and this will help us in assessing the future of these sites. I shall report back on what recycling centres are worth keeping and the ones to withdraw.

We will improve and enhance the banks we decide to retain by redesigning their layout and replacing old containers. New containers will enable us to empty these sites using existing Biffa refuse freighters and not requiring specialist sub-contractors. This will improve performance.

### **Houses in Multiple Occupation (HMO)**

Arrangements are being finalised for the regulations that come into force on the 1 October 2018 placing additional requirements on landlords with regards to waste arising from HMOs. To assist landlords the Council has compiled an information document and officers will visit HMOs to help ensure that waste and recycling is stored correctly and residents informed on how to manage their waste and recycling.

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# ***Report to the Council***

**Committee: Cabinet**

**Date: 25 September 2018**

**Subject: Finance**

**Portfolio Holder: Councillor G. Mohindra**

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**Recommending: That the report of the Finance Portfolio Holder be noted**

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## **Accountancy**

At the last Council meeting the accounts were approved but subject to any last minute adjustments required to satisfy the audit. There were not any further adjustments requested however due to an outstanding query the opinion on the accounts was not issued until 1<sup>st</sup> August a day after the deadline. It has since come to light that a number of authorities across the country did not meet the deadline for various reasons and I think this does demonstrate how tight this deadline is and my concern going forward remains that the process could compromise accuracy as a result of rushing the accounts to meet the deadline.

The new eight directorate structure is now in place and the 2018/19 General Fund budget will need to be restructured into this new format which will require some initial set up work. It will be inevitable that some assumptions will need to be made about where some budgets ultimately reside but clearly this won't affect the totality of the budget.

## **Benefits**

The last couple of months have been a quiet period for welfare reform so I can take this opportunity to remind Members of the forthcoming changes. From 5 December 2018, the whole of the District will be in what is known as a 'Full Service Universal Credit' area. This means that anyone of working age needing help with their rent and who is not already receiving Housing Benefit, will need to apply for Universal Credit instead of Housing Benefit. There are a few exceptions who will still claim Housing Benefit and of course, it is important not to forget that all people of pension age will still claim Housing Benefit. However, everyone of working age and pension age will still need to apply to the Council for help with their Council Tax payments.

## **Revenues**

The authorities within Essex are currently negotiating a bid for a pilot for 75% Local Business Rates Retention for 2019/20. This would be a one year pilot ahead of the formal introduction of 75% local retention in 2020/21. The bid if successful could provide £19m extra funding for projects across the County in 2019/20. The terms of the distribution of the funds and projects that are included would form part of subsequent negotiations through the joint Council Leader/Chief Executive forum.

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# ***Report to the Council***

**Committee:** Cabinet

**Date:** 25 September 2018

**Subject:** Housing

**Portfolio Holder:** Councillor S. Stavrou

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## **Recommending:**

**That the report of the Housing Portfolio Holder be noted.**

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## **MHCLG Prospectus for bids for additional HRA borrowing**

I reported to the last meeting that the Government has issued a Prospectus to all stock-retained councils (such as our Council) and councils with arms-length management companies setting out a criteria for local authorities to bid for additional HRA borrowing approval over the next three years, from a total fund of £1billion, in order to increase their council housebuilding programmes.

The £1bn additional borrowing headroom is being apportioned between London boroughs and local authorities across the rest of the country on a 50/50 basis. Outside of London, only those councils determined as being "in areas of high affordability pressures" are able to bid to use the additional borrowing approvals to build new rented housing. Areas of high affordability pressures have been defined by the Government as those where there is a difference of more than £50 per week between the average social rent and average private rent in their area. A list of 162 local authorities defined as being in areas of high affordability pressures are listed, which includes Epping Forest.

The original deadline for submitting bids was 7 September 2018, but this was extended to 30<sup>th</sup> September 2018 the day before the original deadline.

Bids will be assessed by reference to, and councils will need to demonstrate, the following 3 key elements:

- Value for money - based on unit scheme costs and maximising the number of homes delivered, for example by utilising their own land or offering cross-subsidy where possible.
- Deliverability - local authorities must demonstrate that they are ready to start building in relevant years and have the capability and a track record of delivery to time and budget
- Affordability - bids will be ranked according to the areas of the highest affordability

At the meeting of the Cabinet on 6<sup>th</sup> September, the recommendations of the Council Housebuilding Cabinet Committee on the approach to be taken to the bids were agreed. The Cabinet agreed that 25 separate bids for borrowing approvals should be submitted for developments within Phases 4-6 of the Council Housebuilding Programme and the purchase of the affordable rented homes at Pyrles Lane, Loughton, totalling £8.052million. This is on the basis that the remaining costs of the £22.6million Programme will be funded by one-for-one replacement RTB receipts (£6.8million) and reserves within the HRA (£7.8million).

## **Fire at Burton Road Development Site, Loughton**

Most members will be aware that, on the morning of 17 August 2018, a fire broke out on the Council's house-building site at Burton Road, Loughton. The site, for which Mulalley is the appointed contractor, is currently under construction to provide 51 new affordable homes, made up of a mixture of houses and flats. The fire broke out on the roof of one block of flats, and was contained - so it did not spread across the whole site.

The fire looked serious and required 6 fire appliances. It took around 2-hours to put the fire out. However, the post-incident investigations, which are still on-going, have revealed minimal damage to the structure.

The Council activated its Emergency Response Plan and the Council-funded Police Officers from the Community Safety Hub were quickly on site to assist Essex Police and Essex Fire and Rescue Services to maintain public safety.

I have given below a summary of the key points regarding the level of damage to the building:

- Only Block D was affected by the fire, which comprises nineteen 2-bed flats.
- A structural engineer has visited site and has confirmed the building is sound and stable.
- Mulalley's insurance company have visited and it is possible they will commission further forensic analysis to determine the cause.
- The fire started on third floor roof. It is suggested it may have been as a result of possible failure of equipment (tar bucket) leading to ignition of the exposed roof insulation which was under construction.
- The black smoke seen on various video footage primarily came from the insulation burning. The insulation burnt because it hadn't yet been encapsulated with the finished surfaces.
- The fire was almost exclusively external and limited to the roofs of the third and fourth floors. Internal fire damage is limited to the immediate areas adjacent to some windows and doors directly fronting the fire.
- Surprisingly, there is little water damage internally, even on the top two floors. The fact that the roof waterproofing was complete and held up during the fire helped enormously. The ability of the windows and doors to keep their integrity also contributed.
- It is estimated that 99% of all plasterboard linings, partitions and ceilings held up. There is some smoke staining to the upper flats.
- It is also appears that the heating, ventilation, wiring and other installations are sound.
- The steel beam adjacent to the opening in the stairwell had buckled, and will be replaced.
- There are some small isolated areas where masonry has cracked.

Whilst the fire is a set-back, the building had stood up to the fire extremely well, which does give re-assurance for when the block is built. Mulalleys are currently considering the possibility of completing the two lower floors, with the upper levels finishing later. On this basis, it may be possible to accept handover of the lower levels by February/March 2019 with the upper two levels some weeks/months later. The programme for the completion of the houses and the other block in the developments is not affected.

It should be noted that this is a design and build contract, for which the Contractor (Mulalley) is responsible. It is anticipated that the additional costs will fall on their insurance company.

## **Social Housing Green Paper**

On 14 August 2018, the Government published a Social Housing Green Paper proposing a “rebalancing of the relationship between residents and landlords”, promising a “fairer deal for social housing residents”. The Green Paper comes after a year of consultation by ministers and officials with residents following the Grenfell Tower fire, and consequently has a strong focus on empowering residents.

The Green Paper is focused around five themes:

- Ensuring safe and decent homes
- Effective and faster complaint resolutions
- Empowering residents and strengthening the Regulator
- Tackling stigma and celebrating thriving communities
- Expanding supply and supporting home ownership.

The key proposals of the Green Paper are as follows:

- Potential introduction of performance indicators and league tables for councils and housing associations, which could be linked to how grants for new housebuilding are distributed
- A quicker process for tenants’ complaints and more tenant support to access redress
- Strengthening the Regulator of Social Housing, so that it can focus on issues that matter most to tenants and has “sharper teeth” to intervene when needed
- Cessation of the Government’s proposed policy to introduce mandatory fixed-term tenancies for councils and housing associations, and continuation of the current policy to give housing providers choice around using fixed term tenancies – as members will know, this Council has adopted the use of 10-year fixed term tenancies for a number of years.
- Support of new home ownership options, e.g. opportunities for shared ownership residents to staircase in smaller increments
- Cessation of the Government’s proposed policy to require councils to sell “higher value homes” as they became vacant, which was originally proposed to fund the extension of the Right to Buy for housing associations.

The consultation on the Green Paper is open until 6 November. The Communities Select Committee is due to consider the Council’s response to the Green Paper on 24<sup>th</sup> September 2018.

## **Consultation on use of receipts from Right to Buy sales**

The MHCLG is also consulting on the reform of the arrangements for the use of receipts from Right to Buy sales, which was also published on 14<sup>th</sup> August 2018.

The consultation paper proposes:

- To allow local authorities to hold receipts they currently retain for up to 5 years; future receipts would continue to have to be used within 3 years;
- To increase the cap on the use of receipts from 30% to 50% of build costs for homes for social rent in “high demand” areas;
- To allow local authorities to “top-up” insufficient Right to Buy receipts with funding from the Affordable Homes Programme of up to 30% of build costs for affordable rent or, in “high demand” areas, 50% of build costs for social rent;
- To set an upper limit based on average build costs on the price of dwellings acquired using receipts;
- To allow authorities to use receipts to provide homes for shared ownership;
- To allow authorities to gift General Fund land to the HRA for use for new housing provided it has been held in the General Fund for a number of years;

- To allow a short window of three months during which local authorities could return receipts without incurring interest;
- To replace the current target of one-for-one replacement of “additional” homes sold under the Right to Buy with a wider measure covering net additions to the social housing stock held by both local authorities and housing associations.

The consultation is open until 9 October 2018. The Communities Select Committee is also due to consider the Council’s response to the consultation paper on 24<sup>th</sup> September 2018.

### **Adoption of Essex-wide Amenity Standards for Houses in Multiple Occupation (HMOs)**

Local authorities are responsible for ensuring that houses in multiple occupation (HMOs) are safe to live in and are properly managed. An HMO includes shared houses (typically occupied by students or young professionals) and bedsit style accommodation - where the occupiers include unrelated individuals or families and where there is some sharing of facilities, for example washing, toilet and bathroom facilities.

Councils are allowed to set their own amenity standards for HMOs and, although never formally adopted by this Council, the Council utilises the Essex HMO Amenity Standards. These were produced by a county-wide group of Environmental Health Practitioners and are applied across most authorities in Essex.

However the Amenity Standards were last reviewed in 2012 and required updating, to take account of changes to legislation that now prescribe minimum standards for room sizes in licensable HMOs. Therefore, following an officer review by 13 participating Essex councils and a full consultation with landlords, tenants and relevant outside organisations, the new Essex HMO Amenity Standards have been produced and were formally adopted by the Cabinet on 6th September.

# ***Report to the Council***

**Committee: Cabinet**

**Subject: Leisure & Community Services**

**Date: 25 September 2018**

**Portfolio Holder: Councillor H. Kane**

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**Recommending: That the report of the Leisure and Community Services Portfolio Holder be noted.**

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## **Community, Health and Wellbeing**

### **Epping Forest Inclusion Project**

I am delighted to report that the Epping Forest Inclusion Project has secured further funding of £37,600 from Action for Children. This funding will enable the Community, Health & Wellbeing Team to continue to provide a wide range of sport and leisure activities for children and young people with disabilities until October 2019. The Inclusion Project not only benefits the child with a disability but the whole family, enabling siblings to take part in summer holiday programmes too. To date approximately 1,000 individual children and young people with disabilities have benefited from the Epping Forest Inclusion Project.

### **Day trip to Southend for people living with Dementia**

Organised by the Council's Older Peoples' Engagement Officer, this very successful day trip for people with dementia and their partners/carers, was provided in partnership with Epping Rotary Club, who paid for the coach and supplied volunteers to support the day-trippers. Thirty five participants took part and feedback received included comments such as:

"It was the first time my wife has felt able to have a day out on a coach for a long time. It was such a relief to know that there were people on hand to help if needed. It also meant that I could sit back and not have to worry about where to park and accessibility to all amenities. So in all it was a very successful day out."

"Thank you so much for such a lovely day at Southend, it's a long time since I visited a seaside, due to trains etc. are too much for me as have to have a stroller for walking."

"Just wanted to say a very big thank you for a great trip. Very well organised and the leaders were brilliant, helping the less able on and off the coach. So thoroughly enjoyable. Thank you again."

### **Summer Activity Programme**

This year's Summer Holiday Activity Programme saw over local 2,000 children and young people participate in a wide range of exciting activity days, family workshops, children's shows and multi-sport camps. Multi-sports camps were delivered in Epping, Loughton and Waltham Abbey with 689 children attending throughout the summer. The ever popular, free, family Play in the Park sessions were delivered throughout the district, in partnership with Town and Parish Councils, and saw 1,298 children attending. There was also a fabulous range of creative workshops on offer such as; cake decorating, "Customise your Shoes" and

“Funky Seed Head Sculptures” and sports sessions such as: Street Tennis and Basketball and these all proved very popular.

### **Active Essex Funding**

I am pleased to report that the team has successfully secured funding of £12,360 from Active Essex for a range of additional physical activity projects targeting inactive adults. The projects include a “This Girl Can Festival” on Sunday 7th October 10am – 2pm at Zinc in Ongar. The Festival will offer free taster sessions and workshops to encourage women and girls to be more active.

We are also building on the success of the Active Living Project, by launching two new bespoke programmes; Active Living for Adults with Special Educational Needs (SEN) will work with disability groups to encourage them to be more active and an Active Living Mental Health Project will work with the Open Door Friendship Group and Cherry Tree Therapy Group, to give people experiencing poor mental health the opportunity to be more active and improve their wellbeing. In addition, a project will be delivered in partnership with the West Essex Clinical Commissioning Group and local care homes focusing on improving the strength and balance of residents. The funding will also be used to deliver two “Get Back into Netball” programmes in partnership with England Netball.

### **Epping Forest Youth Council**

The Youth Council’s Drugs Awareness Project has further evolved as the needs and complexities of the subject have been established. The awareness campaign – ‘Don’t Open the Gate to Gateway Drugs’ continues and there are currently five Arriva buses promoting this message throughout the district, by displaying the Youth Council’s promotional banner on their vehicles. Adult Members have suggested that the Youth Council should lobby central Government to introduce legislation to overcome the issues in relation to the purchase and use of Nitrous Oxide canisters and the Youth Council has taken this suggestion on-board.

### **Health & Wellbeing Thematic Action Groups**

Following the launch of the Epping Forest Health & Wellbeing Strategy, the three multi-agency Action Groups, facilitated by the Council, are becoming well established. Key partners including; the West Essex CCG, Essex County Council, Virgin Care, Barnardo’s, local health providers and a range of Third Sector organisations are all contributing towards the delivery of local initiatives to enhance the health and wellbeing of local residents. Funding of £17,256 from Public Health has been allocated towards the work of the three thematic groups to date this year. This has enabled projects such as the MiLife Adolescent Mental Health programme to be further rolled out to every primary school in the district, and also funded the setup of a new local Park Run and a planned dance programme for older residents.

### **Museums, Heritage and Culture**

#### **Family Summer Activities**

A wide range of creative workshops and sessions were provided across the district over the summer holiday, including 6 new drop in sessions called ‘Drop In and Draw’ at both museum sites; and this year, our ‘How to Draw’ workshops, which we run at 4 different sites, focused on drawing portraits and landscapes. Over 100 people took part in these activities. A ‘Musical in 2 Days’ workshop took place at North Weald, where the cast of 23 children worked incredibly hard to learn songs, a number of scenes and choreography from Bugsy Malone to perform in just two days.



At the Little Storytellers in Ongar, Michael Rosen's classic tale 'We're Going on a Bear Hunt' was used as inspiration for a lively workshop, where MHC worked with the council's Inclusion Project to deliver a session for children with additional needs. New for this year was a Family Fun drop in session at the Limes Centre, providing opportunity to take our usual family art and craft session, out of the museum, to a different audience. New families learnt more about our service while making Anglo-Saxon helmets and Roman mosaics.

Also new for 2018 was Comedy Club 4 Kids at Chigwell Hall; set out like any other comedy show but all the jokes are tailored for children aged 6 years and older. This was the first time MHC had provided this event in the district and it was well received by the young audience and the adults who came with them.

In August, over 450 children and their families enjoyed drop in art and craft activities on Tuesday and Thursday afternoons. Many of the activities were themed around the First World War exhibitions, with the opportunity to make their own medals and clay poppies. Over 400 people also attended the Family Fun Days at each museum. At Epping Forest District Museum, puppet shows and willow weaving drew a crowd of people of all ages. At Lowewood, families enjoyed making tissue paper poppies and First World War postcards.

### **Exhibition at EFDM: Walter Spradbery, Artist in War and Peace**

Our Chairman of Council opened the exhibition on Friday 20th July and the exhibition, which also commemorates the centenary of the end of the First World War, is part of a project which received a grant of £49,950 from the Heritage Lottery Fund. This funding has also been used to undertake promotion in the Epping Forest Guardian and at Epping and Loughton Underground Stations and has enabled the purchase of new plan chests to store Spradbery's art at the museum. The next stage of the project will be the major celebration event on Saturday 29 September 2018, at St John's C of E Primary School in Buckhurst Hill, next to the site of Spradbery's former home, 'The Wilderness' in Epping Forest. Pupils from the school will recreate the 1938 Open Air Social that Spradbery held in the garden of his home. There will be tours to the site of 'The Wilderness', stalls, art displays and projections of Spradbery's work. Pupils from the school will perform a specially commissioned dance choreographed by Flux Dance Collective, and Impropera - the World's Only Improvised Opera Company will perform to close the event.

### **Education and Outreach**

September is a very busy month for school workshops, with many local schools taking advantage of the museum's outreach service to give pupils the opportunity to handle original museum objects and learn about the past in their classrooms. Local schools are also visiting the museum to take part in workshops and see the displays. Talks about the museum and the Spradbery exhibition have been delivered to several specialist interest and U3A groups around the district and beyond. Over 70 pupils from St Johns, Buckhurst Hill took part in dance workshops run by MHC. 33 of these pupils performed their work to an audience of over 300 at the Keeping Dance Alive event at Loughton Family Fun Day on Sunday 15 July.

### **Museum Collections**

A number of new items have come into the Council's Museum collection including an early medieval pendant found in Matching, that had been adapted from a Byzantine gold coin, and a Medieval Ring from Abess Roding. Walter Spradbery's daughter-in-law has also donated a number of items from the families private collection including his Distinguished Conduct Medal, British War Medal and Victory Medal. Funding from SHARE East of England has enabled the purchase of a new high security display case to exhibit high value items and this

has been installed in the Museum's Core Gallery and contains a changing display of these items acquired through the Treasure Process.

Volunteers continue to work on the museum collections. During July and August a total of 489 volunteer hours were recorded, which in monetary value equates to around £4,500. The museum is currently undergoing a review of its costume collection and has recruited 4 new volunteers to support this project.

### **We Will Remember Them**

The museum was successful with its bid to the Heritage Lottery Fund for £16,140 for its WW1 Community Remembrance Project 'We Will Remember Them'. This project is based at our partner museum, Lowewood Museum, exploring the stories of Broxbourne servicemen during WW1, ensuring that commemoration of these soldier's lives on past the remembrance period. A project officer has been recruited.

### **The Culture Without Borders Development Trust**

The trust is working with the museum on an application to the Heritage Lottery Fund's Resilient Heritage programme for funding to recruit a member of staff to support the work of the trust. If successful, the funding will also enable some start up support for individual giving campaigns and other fundraising events to support the work of the Museums, Heritage and Culture team.

### **Leisure Management**

Construction work on the new leisure centre at Waltham Abbey is now in the final stages and on target to achieve the opening date of 17 November. A Member visit to the site took place on Tuesday 11 September. Members were able to tour the under construction site and Council officers and contractor staff were able to provide more information about the new centre. The new facilities are very impressive and will be of tremendous benefit to the residents of the District.

The majority of the extension of Loughton Leisure centre was completed on time and the centre formally opened on 9 September by the Chairman of Council, where I was very pleased to be present. The new 150 station fitness facility is already proving very popular with customers of all ages and abilities, with a large uptake of memberships in the first month of opening. At the time of submission of this report the last remaining work of refurbishing the changing village was planned to be completed by late September. This level of investment is unusual in many Local Authorities and is testament to the proactive stance of this Council and the success of our partnership with Places for People.

As reported at the last meeting refurbishment of the Epping Sports Centre has resulted in an increase in usage figures especially for the gym. No further major works are planned for this site. Two squash courts are being refurbished by plastering and repainting of the walls and sealing of the floors. A new car park management system has been introduced which will prevent the abuse of the gym car park by commuters and non-Sports Centre users.

# ***Report to the Council***

**Committee: Cabinet**

**Date 25 September 2018**

**Subject: Planning and Governance Portfolio**

**Portfolio Holder: Councillor J. Philip**

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**Recommending:**

**That the report of the Planning and Governance Portfolio Holder be noted.**

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## **1. Local Plan**

The submission of the Local Plan to the Planning Inspectorate for independent examination continues to be delayed following a Planning Court injunction granted on 21 March 2018 preventing submission until legal proceedings have been concluded. This is despite the Plan being ready for submission. Members are aware that the continued absence of an up to date adopted Local Plan undermines the achievement of sustainable development in Epping Forest District in the public interest.

Although the High Court dismissed the legal challenge the claimants made an application for permission to appeal to the High Court which was refused on 13 July 2018. However the claimants have now submitted an application to the Court of Appeal for permission to appeal. We are currently waiting for that application to be determined by the Court of Appeal and understand it is being expedited, but we do not currently have a timeline for the decision.

I have written to The Rt Hon James Brokenshire MP, Secretary of State for HCLG requesting a meeting to bring this matter to his attention and explain this unfortunate delay.

## **2. Implementation of the Local Plan**

Further recruitment is taking place to the newly formed Implementation Team, which was set up following funding totaling £150,000 from the MHCLG Design Quality funding stream to support the implementation of the Local Plan and supplement the DDF funding agreed by Cabinet on 7 December 2017. The team has in post a Principal Planning Officer, a Land Drainage Engineer and Countrycare Officer already seconded from elsewhere in the Council, plus an Urban Designer post through the Public Practice scheme, but have recently now been joined by a Project Coordinator, Strategic Infrastructure and Obligations Officer and another seconded Principal Planning Officer. The Implementation Manager, Lydia Grainger, joins on 1 October 2018.

Six Quality Review Panel's (QRP) and two Development Management Forum's have now taken place, the latest of which considered the planning application submitted by Quinn Associates for development not allocated in the LPSV at North Weald Golf Course land and the QRP will be considering the same development on 27 September 2018. The views of the QRP and issues raised by the Development Management Forum will be material planning considerations in determining planning applications (and will be reported to the relevant Committee). The QRP in particular will help ensure that any policy compliant new development is of a high quality and contributes to place making.

### **3. Epping Forest Special Area of Conservation and proposed mitigation strategy**

I reported at the last meeting a proposed mitigation strategy to cover the management of visitor pressure and the management of air quality as a result of increased vehicular traffic because of the potential impact of the proposed growth on the Epping Forest Special Area of Conservation (SAC).

Meetings have taken place with relevant authorities, including the two other competent authorities: LB of Waltham Forest and Redbridge, the Conservators and Natural England to prepare an Interim Strategy. This Strategy will cover the measures required to mitigate the recreational pressures on the Forest from growth and will include the level of contributions to be sought together with proposals for the provision of Suitable Alternative Natural Green spaces (SANGs). An interim mitigation strategy is due to be considered by Cabinet on 18 October 2018 and will need Natural England agreement before we can take adopt this approach. This is unfortunately taking some time not least because Natural England have not been able to dedicate sufficient resource to help support the development of the strategy. I have also raised this concern in the same letter to James Brokenshire MP.

### **4. Neighbourhood Planning**

At the request of the appointed examiner an exploratory meeting took place prior to the examination of the Chigwell Neighbourhood Plan on 5 September 2018. We are awaiting the outcome following this meeting as to how the Examiner wishes to proceed and expect to hear at the beginning of October.

### **5. Harlow and Gilston Garden Town**

Work continues apace on the Garden Town. A capacity bid has recently been submitted to MHCLG to seek further funding to support the work – a decision on this is expected this month. There are now 13 workstreams underway (including a new workstream to consider the sustainable transport corridor implementation) which are being reported regularly to the Garden Town Board which meets regularly. The Council's representatives on the Board are currently Cllr Whitbread, Bedford and Philip. The terms of reference of the Board have been reviewed and an Independent Chair is to be appointed.

The Board is expected to agree the spatial vision and design charter at its next meeting following the recent community engagement. A draft transport strategy will be the subject of consultation in the next month or so.

### **6. Masterplanning**

The Latton Priory and Water Lane Garden Town Masterplan areas are advanced in the signing of Planning Performance Agreement (PPA's); Latton Priory developers are engaging with officers in a series of masterplanning meetings. In respect of East of Harlow Masterplan Area, PPA discussions are ongoing, including possible location of Princess Alexandra Hospital.

On other Masterplan sites identified in the Local Plan Submission Version, two meetings have taken place on the North Weald Masterplan Area and a meeting with the site promoters and North Weald Parish Council was scheduled for 19 September 2018.

Two meetings have also taken place regarding the South Epping Masterplan Area and a PPA produced for signing. Engagement has taken place with the land owners and Epping Town Council.

A PPA is under discussion for Waltham Abbey Masterplan Areas and issued for South Nazeing Concept Framework.

## **6. Development Management**

### **Building Control**

The budget for Building Control for August 2018 is £41,410 and the annual budget for 2018/19 is £500,000.

BC's actual income for August 2018 (Period 5) is £35,340. To date in the first five months BC has exceeded budget twice and the actual to budget shortfall is £11,123; an average of just over £2,000 per month.

This means that it is possible that BC's income may end the financial year at £475,000 however it is expected that BC may be able to recover during the remainder of 2018/19 and achieve an overall income in the region of £480,000 to £490,000. This is supported by the three year summary of the last seven months of preceding financial years 2015/18 of the final seven months at an average of £269,287 per year compared to the current budget (final seven months) £269,440, which could possibly show the end of the financial year ending at £488,000.

Building Control's Income is directly linked to staff availability to follow up work and the recent loss of an experienced surveyor with substantial experience combined with zero response to two separate vacancy advertising exercises is indicative of the difficulties in growing BC Income in competitive and challenging marketplace conditions.

### **Development Control**

Development Control continues to make extensive strides in planning income generation in 2018/19.

The first five months of 2018/19 show that DC Planning Application Income reached £653,257. This compares with budget of £438,040 an increase of £215,217 over budget. In addition the average monthly income for 2017/18 was £70,549 and to date the average monthly income for the first five months of 2018/19 is £130,651.

DC's Planning Application income for 2018/19 is expected to continue to increase to reach an expected turnover of £1,295,217 which if achieved will be a record £448,632 over DC Income of £846,585 for 2017/18.

DC Pre-Application Income continues to perform well against budget recording £47,294 as compared with the budget of £45,270.

This means that based on current trends it is possible that DC Income will achieve a high £1.4 to £1.5 million for 2018/19.

Workload of planning applications and pre-planning applications remains high, putting a strain on resources. There are a few vacancies but despite advertising it is proving difficult to fill them, but this is an issue Essex wide. Use of planning agency staff however, has helped to plug the gaps while jobs are advertised and await appointment.

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# **Report to the Council**

**Committee:** Cabinet

**Date:** 25 September 2018

**Subject:** Safer, Greener & Transport

**Portfolio Holder:** Councillor S. Kane

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## **Recommending:**

**That the report of the Safer, Greener & Transport Portfolio Holder be noted.**

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## **Countrycare**

Since the last report Countrycare has worked on eight different sites with its volunteers. There were a few days raking as it's grass cutting season but also some fence and gate construction. The weather has been so hot we had to cancel one of the volunteer days on advice from the Met Office. The days were well attended with an average of 14 volunteers per task.

It has been the event season. We ran a Treasure Hunt in Chigwell Row Wood attended by 17 children having to carry out nature tasks before being rewarded with treasure. The Birdie event went well at the Epping Green Millenium Gardens, attended by 20 children, who all took home nests they had made themselves. The annual Teddy Bear's Picnic involved 15 children bug hunting, tree decorating, making wildlife masks and having their faces painted. We have also had two events in partnership with Communities for children held at Bobbingworth Nature Reserve and the annual moth and bat night.

Countrycare was approached by "Project Beeswax7" which is an investigation into the feasibility of identifying wild pollinator species automatically by their buzzes using computers. Some new software has been developed to aid the research and it was tested out at Church Lane LNR in late August. This helped the researchers to identify what some of the problems and restrictions might be and for them to adjust the present model to overcome them.

On the staffing front there have been many changes. Kevin Mason retired after eight years service and we had a send off for him on a volunteer day at Norton Heath. He has been replaced by Tom Simon who is settling in well. Joanne Garrad has just left us to go to a job much closer to home in Cambridge. We are recruiting for her replacement.

Survey work has been continuing with the reptiles at Willingale Road Allotments and the butterfly transects.

The Tree Warden Scheme has been going well and we have been measuring and mapping trees in Roughtallys Wood LNR to inform management for the future.

Two members of staff attended the Ancient Tree Forum course about the biodiversity value of decay in trees

## **Parking**

Visitor and Staff Travel Plan:

I am pleased to report that there has been a healthy response to the recent Staff Travel Plan consultation covering all Council owned sites. We had a response rate of 66% which is very positive. The survey responses are currently being analysed and the final report will be available in October. This will then allow us to consider options for achieving our objectives.

Loughton Broadway Parking Review:

Designs for the second phase of the parking review are finalised and public consultation will commence in October when the proposed changes will be advertised locally.

North Essex Parking Partnership (NEPP):

I have previously reported on the need to reduce the long list of parking restriction schemes for the District. I have met with some groups of Members to review the schemes in their area. I shall continue these meetings to ensure our list is up to date.

At the next meeting of NEPP in October we will have the yearly opportunity to nominate our six schemes. Officers have collated the scheme list for our District and are currently consulting Members in whose Ward the highest scoring schemes are. The following schemes are currently listed to be nominated at the October Committee meeting. There are twelve schemes on the list out of which six will qualify automatically under NEPP criteria and the remaining six we will nominate against our allocation.

The schemes that you shall soon be receiving the details for are:

- 1) Hill Road Theydon Bois,
- 2) Blackacre Road, Theydon Bois,
- 3) Epping New Road,
- 4) The Windsors,
- 5) Blackmore Road,
- 6) Whitehills Road,
- 7) Stag Lane,
- 8) Palace Gardens,
- 9) Spareleaze Hill,
- 10) Stewards Green Road,
- 11) Nursery Road Connaught Avenue and Shaftesbury as one scheme,
- 12) Abridge Road, Station Hill and Graylands.

Epping Town Parking Review:

The parking scheme for Epping Town has just been re-advertised and letters sent to all residents within the review area. This also includes a revised scheme for Tidys Lane Epping. The consultation period for these closed on the 21<sup>st</sup> September. I am meeting with Ward Members early in October to discuss the outcome of the consultation and agree next steps.



### Parking Tariff Review:

Members will have seen the parking tariff review report that I presented at Cabinet on 6 September. Some Members expressed reservations with some of the proposed changes and I am pleased to say that following discussions with them I have their support to take the recommendations forward.

Increasing parking charges is not an easy decision and I have considered carefully the reasons behind the tariff uplift. I am pleased to report that we have kept the lower bands of tariff, stays of up to 2 hours, unchanged which will benefit around 85% of our car park users. I am also proposing to use the additional income in improving and enhancing the environment in the car parks.

### **Community Safety**

My Portfolio Holder report this month, will focus particularly on the work of our directly funded police officers, as I am sure Members will welcome an update on how the team has been performing since its introduction in June, this year.

### **EFDC Funded Police Officers**

I am very pleased to report that our integrated Community Safety Hub is working extremely well, with IT systems running efficiently and the daily deployments from the Civic Offices meeting our local priority needs. Our sergeant and constables are all very experienced and have settled into their new working environment very well. In fact they appear to be a seamless fit and I am delighted to say they are working as one team with the councils Community Safety Officers, which is providing advantage to other departments within the authority as well. I have ensured the officers have not been recruited from Epping Forest District police establishment levels therefore ensuring the stretched mainstream police numbers remain up to strength.

With the refurbishment of the Community Safety Office, our police presence has provided the added value of drawing in the district's youth officer and the new Crime Prevention Tactical Adviser who are hot-desking together with the Essex Watch Liaison Officer. In addition the two weekly tasking meeting is held at the Civic Offices which also attracts the District Inspector, CID Detective Inspector and Integrated Offender Management Sergeant as well as our dedicated Community Policing Team Sergeant usually based at Loughton. A process has been devised where our directly funded Community Safety Team have a local tasking meeting prior to district tasking and this then feeds into the bigger picture of planned resource deployments across the district.

Since their arrival, our officers have learnt the various roles of council officers and initially patrolled with our ASB Investigators to get to know the area. On one such patrol in their first week, they arrested two males driving a vehicle on false plates in the Ongar area. Both arrested persons were charged with unauthorised taking of a motor vehicle. One offender was bailed to court and the other was remanded in custody, as there was an international arrest warrant for him.

The officers have also targeted a prolific shoplifting team regularly stealing from shops at the new Langston Road shopping park. Due to their presence in the area, they arrested two persons for shoplifting one of whom was cautioned and the other charged with theft and bailed to court. They have also provided a visible presence at a property that our investigators obtained a Closure Order on, due to the exploitation of the vulnerable tenant.

The whole team have also worked with the Community Policing Team (CPT) based at Loughton and CID in relation to a series of dwelling burglaries in the Loughton area where

elderly and vulnerable residents in sheltered accommodation were being victimised. The suspect was a female who sometimes purported to be working for the NHS to gain entry. Working together and using the council's public space CCTV images a woman was identified and arrested. She was charged with nine burglaries, three frauds, one theft and one battery. She appeared Chelmsford Crown Court and received a custodial sentence of 54 months.

A particularly disturbing incident the whole team dealt with involved an East European female presenting to the Civic Offices reception desk. After some engagement with Housing officers Community Safety Safeguarding officers were summoned. The officer attending was a trained Independent Domestic Violence Advisor and was able to befriend the woman and gain her trust discovering she may have been trafficked into the UK by a male she was living with. The male was offering her to his family and acquaintances for sexual acts. The woman was pregnant and had no-one to turn to. Our police team became involved with Community Safety and arranged for referrals under the National Referral Mechanism, safeguarding and liaison with specialist police investigation teams. The woman was provided food, drink and reassurance and then taken by our police officers to a safe house outside of the county, where a full investigation could be carried out.

Currently the whole team are working on a process of having court ready Criminal Behaviour Order applications ready for when prolific offenders are arrested and charged. The concept would be to have pre-drafted evidenced prohibitions available for arresting officers to include in the submission of cases to be heard at court. Work is underway with Essex Police's dedicated ASB Officer and the Crown Prosecution Service to determine an agreeable process. Our police team are acting as the county leads for this initiative which will benefit police and council alike.

Lastly, I would like to give you a flavour of interactions our police team have had with other council departments. They are currently working with Planning Enforcement and our legal team on providing support for enforcement work with Travellers which is likely to run over a considerable period of time. They have supported housing in relation to our properties subject to Closure Orders. They have worked with our Environment and Neighbourhoods officers in their investigations of serious fly-tippers. They have assisted our Licensing team with concerns about a persistent drink driver resulting in them arresting a male who is currently waiting to appear at court. I think you will agree, that early indications of this initiative are very positive.

### **Anti-social Behaviour**

The council have received two applications for Anti-social Behaviour Case Reviews also known as Community Triggers, in relation to addresses in Pyrles Lane Loughton and a professionals meeting and Review Panel meeting have been held. The case is complex and concerns a number of council departments including housing Environment & Neighbourhoods and Community Safety together with, police, Community Rehabilitation Company and Community Mental Health Team.

### **CCTV**

Following the resignation of one of the CCTV officers the team is currently under resourced and although recruitment is under way, the remaining officers are working close to full capacity in order to meet the demand for downloads and in progressing existing projects.

### **Safeguarding**

Our safeguarding team continues to receive a very high number of safeguarding referrals and concerns from staff across the Council. We had **38** new cases in August, which included

**6** child; **19** adult; **13** both concerns, involving **50** children and **34** adults. Out of these, 7 were new referrals to Essex Social Care, 10 to Essex Police; 3 to MARAC; and 8 to other agencies including Peabody Trust and Safer Places.

Mental Health concerns are still prevalent amongst a high number of cases and these tend to involve a wide range of officers from the council, NHS and social care. During August several cases included Hoarding and others serious ASB, which in one case was causing serious distress and fear for neighbours.

One case of Domestic abuse related to a couple in their early 90's, which really demonstrates that there is no age limit to abuse in the home.

It is however, very evident how useful the presence of Police officers is to the teams work and particularly in respect of referrals that are now being accepted by social care that wouldn't ordinarily have been taken forward. Of course this works both ways, as our Police officers are provided with intelligence on where key individuals currently reside, which they may not have otherwise known.

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# ***Report to the Council***

**Committee:** Cabinet

**Date:** 25 September 2018

**Subject:** Technology and Support Services

**Portfolio Holder:** Councillor A. Lion

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**Recommending:**

**That the report of the Technology and Support Services Portfolio Holder be noted.**

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## **Support Services**

### **People Team**

The Council has completed the recruitment process for the Service Director positions, all are internal appointments. The new roles commenced on 10 September, starting with an Induction Day.

Shortlisting for the vacant Strategic Director role by Members of the Senior Management Appointment Panel took place on 6 September. Assessment centre interviews have been arranged for 25 and 26 September. Recruitment to the Chief Executive role will start at the beginning of October.

Unfortunately, the date of the Members training for i-Trent scheduled for 31 July did not go ahead as the launch of the Community Safety Hub took place. A new, provisional date has been arranged for 25 September, before the full Council meeting.

Three of our apprentices recently achieved good grades in GCSE maths qualifications. They all passed their exams first time.

The new Corporate Training Programme has been launched with a focus on leading, managing and coping with change. Sessions are available to all staff and managers to attend.

i-Trent continues to be rolled out across the Council and average figures for the number of log-ins (not users) obtained from June until 22 August are reported as follows:

Members	11
Managers	647
Staff	1605

i-Trent will continue to change the way we all claim expenses, mileage etc., and for managers to record, monitor and authorise leave, sickness absence and training.

### **Facilities**

Roofing works are now well underway at the museum in Waltham Abbey. The building is fully scaffolded and the existing roof tiles have been stripped off. A breathable membrane has been fixed into place over the roof timbers and tiles will be reused or replaced, leaving the structure fully watertight. The existing chimney stacks will soon be overhauled, and all

external areas will be redecorated. This will ensure that this fantastic listed building remains in fine order for many years to come.

The installation of new thermally efficient double-glazed aluminium windows and doors at North Weald Airfield Gatehouse has been completed. This will improve energy savings over the coming months and will make a big difference to staff located there.

Preparations are being made at the Civic Offices and the Control Tower to replace the life expired fire alarm installations. The Control Tower, which is a listed building, will benefit from internal redecoration throughout and some minor internal refurbishment to the popular ground floor conference room.

The ongoing project to refurbish the nine passenger lifts at the Limes Farm estate continues to progress well. Two lifts have now been completed and a third is anticipated to be finished by the middle of September.

The refurbishment of Homefield House in the grounds of the Civic Offices is nearly completed and will soon be ready for occupation. Two new meeting rooms, a training room and 'hot desking' office accommodation will be available.

Although the Accommodation Review has meant that a lot of planned maintenance works are on hold at the Civic Offices, some essential health and safety works are currently underway. The fire alarm loop on the first floor of the Civic Offices is being upgraded and an order has been placed to renew some smoke detectors and alarm speakers that have exceeded their recommended lifespan.

The existing Civic Offices entry card reader system is to be replaced with a new design called "Sateon". The new system will allow access with a combined ID badge given to Members and staff allocated at the Civic Offices. Additional information on how to apply for an ID badge will follow in the Members Bulletin.

Site investigation works are underway at Townmead depot to convert Building 21, the old canteen and shower block, into accommodation for the Nursery Service who will shortly be vacating their current site in Pyrles Lane Loughton. Assistance from Planning and Building Control colleagues is currently being sought and it is anticipated that refurbishment works will be able to commence soon. Facilities Management (FM) plan to utilise some of the Works Unit's own trades team to assist with the project.

St Peters Avenue in Ongar is being prepared for the external redecoration of the shops and flats above, including reroofing a single storey extension to the rear of the block. Estates and FM are to take on the role of discharging the landlords repairing obligations under tenants' leases.

Additional landlord works will begin at Oakwood Hill Industrial Estate, where the Council leases a number of commercial units. This includes external redecoration of common areas and some repairs to boundary walls and car parking areas.

## **Legal**

The Legal Service was first awarded Lexcel Accreditation, by the Law Society in 2006. A full assessment is carried out every three years and John Cross, an independent assessor has confirmed that he will be recommending that the Law Society renews our Lexcel Accreditation.

The challenge for next year will be to update our practices and the Quality Manual so that we comply with the standards in the new Lexcel 6.1. This will ensure that our procedures take

account of General Data Protection Regulation (GDPR), Money Laundering updates and Data Security.

## **Internal Audit**

### **Corporate Fraud Team**

During July and August, the Corporate Fraud Team, (CFT) has been pursuing the withdrawal of five 'Right to Buy' (RTB) applications, which have saved the Council approximately £393,000 in potential discount (based on the maximum RTB discount of £78,600). Furthermore, the five properties in question remain as Council housing stock and will continue to generate an ongoing revenue in the form of rent receipts.

The team is actively engaged in several significant investigations, including a suspected subletting enquiry, where it is suggested that the tenant has not occupied a Council property in the last 12 years. The CFT is attempting to arrange a joint working arrangement with Northamptonshire Police in order to move this enquiry along as quickly as possible.

## **Technology**

Over the recent period ICT has configured and rolled out around a quarter of the 400 new laptops. They have been prioritising staff who have urgent business needs to receive a new laptop. The rollout is now continuing progressively through the Civic Offices building. These new laptops all include Office 2016 and the capability to use Office 365 in the future. All staff receiving the laptops, are given the opportunity to be trained on how to use these devices from home, if previously agreed by their manager for flexible working.

The initial training for ICT staff and Directorate Champions on Office 365 has been completed. The training has provided the skills required to get Office 365 into wider usage and highlighted several key areas that will need to be addressed during the rollout process. The Council will be moving across to Office 365, to improve technology and to assist with the delivery of the People and ICT Strategy under Transformation. Office 365 will enhance skills sets for the future of the Council's flexible and agile working projects.

Work is in progress on the replacement of the internal website 'Intranet', which will make use of Office 365 capabilities and it is planned for this to 'go-live' in December. The Communication Plan for Office 365 has now commenced following earlier presentations to the Leadership Team and at Staff Briefings.

The Office 365 programme team is issuing a weekly 'online' newsletter via the Intranet, to promote key functions and training opportunities in Office 365. A staff induction into Office 365 was held on the 30 August and just over 200 staff attended the four briefing sessions held throughout the day. This was to demonstrate what Office 365 has to offer staff in their working environment. A video version of the training will be made available to staff and Members shortly. However, it is already clear that the capabilities Office 365 provides will improve the way we work and communicate amongst our teams and partners. A training programme on Office 365 will be put together for Members and it will be essential for everyone to attend. Information on the training schedule will follow in the Members Bulletin in due course.

Progress on the Technology Strategy continues on track, although several projects have been reprioritised to take account of delays around the Accommodation Review. A review for 'quick wins' has taken place, one example being the purchase and implementation of the Empty Homes module for the Private Sector Housing team. This went from specification, to user testing in less than a month. The approach is that ICT are providing equipment for staff

to embrace flexible working, giving Managers an opportunity to encourage their teams to adopt new ways of working ahead of the changes to accommodation.

The Networking Team is assisting with configuration of the corporate telephone system to allow for more secure connectivity for residents during a credit/debit card transaction.

### **Geographic Information System (GIS)**

The GIS team has developed and is currently testing a replacement mapping system for the Council's Grounds Maintenance section. The existing mapping product has proven to be unfit for purpose and this replacement brings mapping in-line with the Council's corporate ESRI solution. This will add a significant amount of additional functionality and flexibility, as well as saving licensing costs for the old product.

GIS is currently providing services to Economic Development to aid in the Digital Innovation Strategy for the West Essex and Eastern Hertfordshire, Digital Innovation Zone (DIZ), a project lead by the Council. The Council's GIS supplier, ESRI is supplying support to this project and presented at the first workshop on 6 September. ESRI is also helping us in a review of our platform infrastructure to ensure the GIS systems continue to meet the growing needs of the Council.

### **Spatial Information Team (Gazetteer and Street Naming and Numbering)**

Following the successful system and database migration, the team has completed a full re-sync process with Geoplace, ensuring the local database now fully matches the National database. With this complete, the team can now begin to work on new National statutory requirements, such as Tertiary Property Classifications, which is used to describe the quality and location of a property. We are currently in the final testing phase of the new Street Naming and Numbering solution and will begin a pilot shortly.

### **Digital Forms Team**

The Digital Forms team is currently finalising a project with Firmstep to enable a single sign on, which will allow customers to check and pay Council Tax bills from within the Firmstep Portal. Further system integrations will follow once this is successfully implemented.

The Digital Forms teams has been working with the new Corporate Safety Officer, to develop a replacement system to manage Cautionary Contact (formally no lone visits and accompanied attendance). This is now in the final testing phase and will be piloted shortly.

The team is also reviewing the website content with Public Relations and are looking at replacing all PDF forms with digital forms.

### **Superfast Broadband High-Speed Internet**

The new Phase 4a Superfast Essex Broadband project in the District, has been secured under a new contract between Essex County Council and Gigaclear, commencing in September 2018. This follows agreement by Cabinet to contribute a further £350,000 of Council funding towards further broadband infrastructure. This £3.1million contract with Gigaclear will bring full fibre ultrafast speeds to a further 2,100 homes and businesses in the District by December 2019. Concurrent to the existing Phase 2a and 3 rollouts being deployed by both Gigaclear and Openreach. This will enable the District to achieve approximately 99.2% superfast broadband coverage by December 2019.



The launch of this next phase was announced at an event at Epping Ongar Railway in conjunction with a celebration of the completion of the Phase 2b Rural Challenge Project. This earlier project delivered ultrafast broadband to more than 4,000 rural business and residential premises in the District. This was successfully piloted for an alternative method of delivering superfast broadband speeds in previously hard to reach areas.

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## ***Report to the Council***

**Committee:** Cabinet

**Date:** 25 September 2018

**Subject:** Staff Appeals Procedure

**Portfolio Holder:** Councillor A Lion

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### **Recommending:**

**That, pursuant to the adoption of the Staff Appeals Procedure Policy by the Cabinet, the Council authorise the Monitoring Officer to remove all reference to the Staff Appeals Panel from the constitution.**

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1. The Cabinet at its meeting on 6 September 2018 agreed to the adoption of a new Staff Appeal Procedure. The Council notes that the current staff appeals procedure had been changed so that officer dismissals and appeals (of employees below Chief Officer level) were dealt with by a wider number of senior managers rather than Directors and Members. The adoption of the new procedure means that the appointment of the Staff Appeals Panel is no longer required.
2. As alterations to the Council's Constitution are a matter reserved to the Council, authority is required to request the monitoring officer to remove any references of the Staff Appeals Panel from the Constitution.
3. Recommended as set out at the commencement of this report.

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## **Report to the Council**

**Date: 25 September 2018**

**Subject: Planning Application EPF/0637/18 - The Lodge, Woolston Hall, Chigwell**

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### **RECOMMENDING:**

**That the Council consider the recommendation of the District Development Management Committee that planning permission for residential infill comprising 12 no. residential dwelling houses with associated off-street parking, garden space and external landscaping at The Lodge, Woolston Hall, Chigwell, be granted subject to the completion of a legal agreement (Section 106 of the Town and Country Planning Act 1990) by 31 March 2019 that ensures:**

- (a) a contribution towards provision of off-site affordable housing of £1,624,000, and**
- (b) appropriate financial contributions towards (i) access management and monitoring of visitors to the Epping Forest Special Area of Conservation (SAC) and (ii) mitigation of air pollution in the vicinity of the Epping Forest SAC;**

**and to the following conditions:**

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice;**
- (2) The development hereby permitted will be completed strictly in accordance with the approved drawings nos:**

**001.00 Site location plan, received 20/4/18**

**200.04**

**201.04**

**202.03**

**203.04**

**205.01**

**DW-2017-371 Topographical survey**

**Phase 1 Habitat Survey Report by Ethos Environmental Planning dated April 2017**

**Arboricultural Impact Assessment by Waterman Infrastructure & Environment Limited dated September 2017**

**Preliminary Geo-Environmental Risk Assessment by Waterman Infrastructure & Environment Limited dated February 2017**

- (3) No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the Preliminary Geo-Environmental Risk Assessment by Waterman Infrastructure & Environment Limited dated February 2017 submitted with the application unless otherwise agreed in writing with the Local Planning**

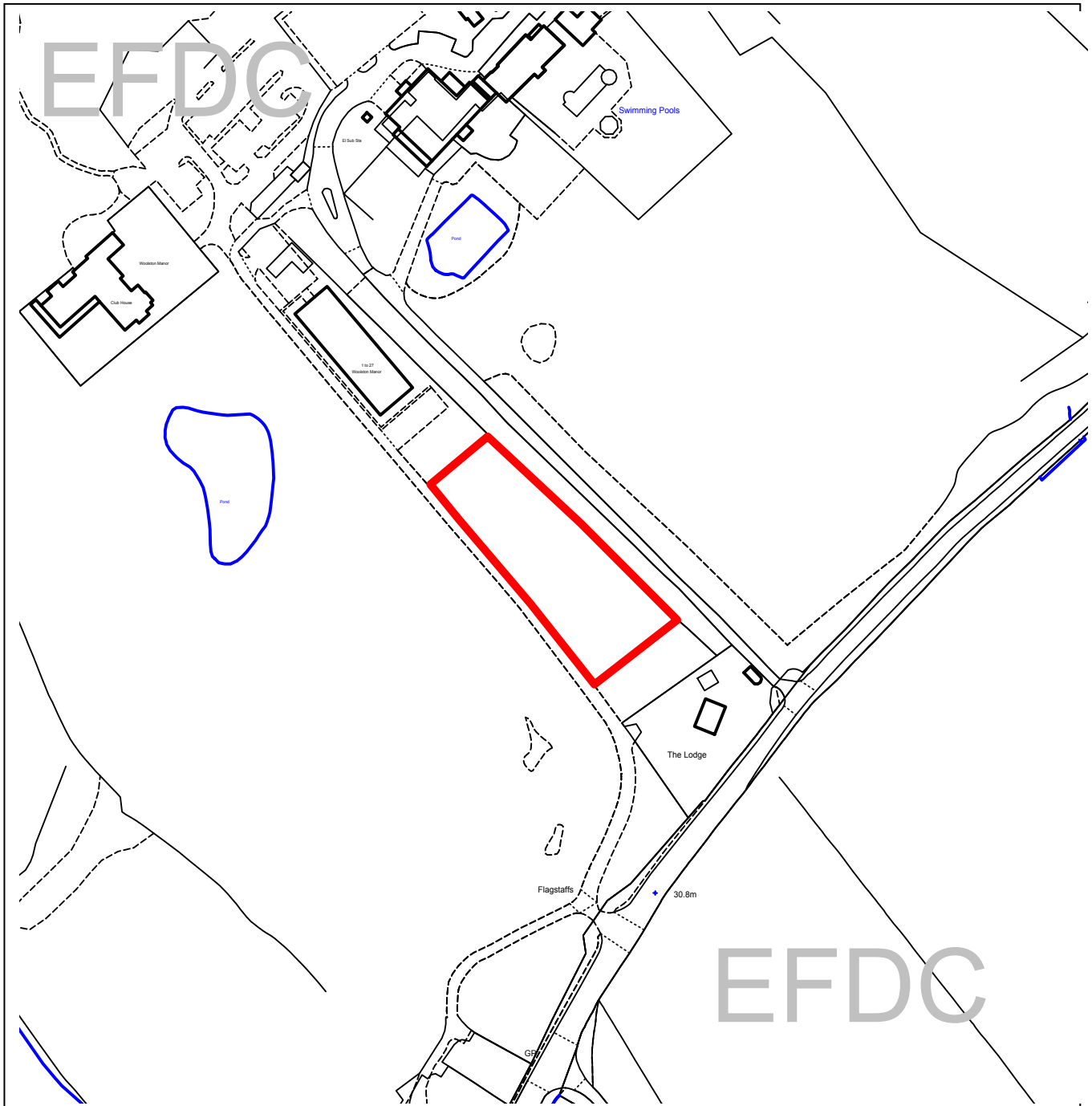
**Authority. The development shall be implemented in accordance with such agreed details;**

- (4) Access to the flat roof to the dining area as shown on the approved plans shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area;**
- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority;**
- (6) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include recommendations made in the Phase 1 Habitat Survey Report submitted April 2017 by Ethos Environmental Planning. The scheme shall include new native planting with new soft landscaping, provision of six bat boxes erected in suitable trees or on new buildings and bat sensitive lighting scheme during and post construction. The scheme shall be implemented in full prior to the occupation of the development hereby approved;**
- (7) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority;**
- (8) The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works. Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered;**
- (9) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority;**

- (10) No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation;**
- (11) If any tree, shrub or hedge shown to be retained in accordance with the details approved in condition 10 above is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place;**
- (12) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation;**
- (13) An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation;**
- (14) Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day;**
- (15) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;**

- (16) No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details;**
- (17) Details of all walls, fences, gates and other means of enclosure to the residential development shall be submitted for approval by the Local Planning Authority in writing prior to any development above ground level, and the development shall be implemented in accordance with such approved details.**
1. At its meeting on 1 August 2018, the District Development Management Committee considered a planning application for residential infill comprising 12 no. residential dwelling houses with associated off-street parking, garden space and external landscaping, at The Lodge, Woolston Hall, Chigwell.
  2. The application was initially considered by the Area Plans Sub-Committee South on 27 June 2018, at which time it was referred to the District Development Management Committee for consideration with a recommendation that planning permission be refused in accordance with the recommendation of the Assistant Director (Development Management), on the application of the minority reference procedure set out in the Council's constitution (Rule M2).
  3. At its meeting on 1 August 2018, the District Development Management Committee considered a motion that planning permission for the proposed development be granted, subject to the matters set out in the recommendations above, which was won by a majority vote. Immediately following the voting on the motion that planning permission be granted, five members of the Committee referred the application to the Council for consideration on the application of the minority reference procedure.
  4. The report made to the District Development Management Committee is attached as Appendix 1 to this report, which includes the initial report considered by Area Plans Sub-Committee South on 27 June 2018 and the relevant site location plan (Appendix 2). This report will be presented to the Council by the Assistant Director (Development Management).
  5. The Council is requested to consider the recommendation of the District Development Management Committee accordingly.





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Application Number:	EPF/0637/18
Site Name:	The Lodge Woolston Hall, Abridge Road, Chigwell, IG7 6BX
Scale of Plot:	1/1250

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**Report to District Development  
Management Committee**

**Report Reference: EPF/0637/18**

**Date of meeting: 1 August 2018**



**Epping Forest  
District Council**

**Address:** The Lodge, Woolston Hall, Abridge Road, Chigwell, Essex IG7 6BX

**Subject:** Planning Application EPF/0637/18 – Residential infill comprising 12 no. residential dwelling houses with associated off-street parking, garden space and external landscaping.

**Officer contact for further information:** J. Doe (Ext 4103)

**Democratic Services Officer:** S. Tautz (Ext 4180)

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**(1) 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.**

**Report:**

1. This application was considered by the Area Plans South Sub-Committee on 27 June 2018 but has been referred up to this committee for consideration. The officers' recommendation to refuse planning permission still remains and the minutes to the 27<sup>th</sup> June state, "*This application was deferred to District Development Management Committee under a minority reference, with a recommendation that planning permission be refused in accordance with Officer's recommendation.*"
2. In addition to the content of the report below, Members are also asked to consider a fourth reason for refusal, which has only come to light recently and therefore not part of the report to Area Plans Sub-Committee South, but cannot be ignored. The background to this is that a significant part of the Epping Forest (the Forest) is designated as a Special Area of Conservation (SAC) under the Habitats Regulations, which provides the highest level of protection for designated sites in the United Kingdom. The Council has a duty as the 'competent authority' under the Habitats Regulations to protect the Epping Forest SAC from the effects of development (both individually and cumulatively). Two specific issues in particular have been identified that could have a likely significant effect on Epping Forest SAC, which are:-
  - The result of increased visitors to the Forest arising from new development.
  - The result of damage to the health of the flora, including trees and potentially the heathland habitats, from air pollution generated by vehicles.

A zone of influence of 6.2km is being used to determine whether residential applications will have a recreational impact on Epping Forest SAC, based upon a visitor survey. Unlike the findings of the visitor survey the potential impacts from air pollution applies to developments of all types in all locations within the District. Therefore all residential and employment proposals within Epping Forest District will likely have an air pollution impact on Epping Forest SAC.

3. Whilst the Council is currently liaising with Natural England and the Conservators of Epping Forest in order to agree a Mitigation Strategy to mitigate the above effects, at the current time the Council is unable to grant planning permission on any planning applications resulting in additional residential development which are within 6.2km of Epping Forest SAC and all proposals that result in additional residential and/or employment development within the entire District likely to have an air pollution impact on Epping Forest SAC (when considered alone and in combination with other plans/projects), until such a time that an appropriate financial contribution to mitigate against the adverse impact that it will have on the Epping Forest SAC has been agreed. The Council is awaiting at the time of preparing this report for the Conservators of Epping Forest to identify projects and costings for mitigation.
4. No Air Quality Assessment has been submitted with the application providing full justification that the development will not result in any increase in air pollution or that the impacts from air pollution would be adequately mitigated. All submitted information would

though need to be agreed by Natural England prior to granting an application in any case. The applicant could agree to enter into a legal agreement to pay a financial contribution towards appropriate mitigation measures as a result of the resultant increase visitors to The Forest, but at the current time the monetary figure has not yet been determined and therefore the Council can only resolve to grant planning permission subject to a legal agreement. It will not be possible to finalise the legal agreement or issue a decision notice until the mitigation strategy and the financial contributions required have been agreed.

5. The application therefore 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. This carries substantial weight. This is set out as reason 4.
6. If, following consideration of the application this Committee decides to grant planning permission, it will be necessary to refer the application to the National Planning Casework Unit in order that the Secretary of State can consider whether to exercise his call-in powers. That is because the proposal amounts to a significant departure from the adopted Local Plan. Members are advised the proposed development is also a significant departure from the Submission Version of the Local Plan and the adopted Local Plan.
7. The report to Area Plans Sub Committee South is reproduced below.

*This application is before this Committee since it has been 'called in' by Councillor Brian Sandler (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

#### **Description of Site:**

The site is an open parcel of land to the northwest of The Lodge. The southwestern boundary is an access road to Woolston Manor. The north-eastern boundary is an avenue leading to a leisure complex. To the northwest of the site is a building, a former motel, accommodating flats. The site is off the highway of Abridge Road, between the village of Abridge, to the northeast, and Chigwell, to the southwest.

The site is within the Green Belt.

Trees along the avenue to the northeast are the subject of Tree Preservation Orders. The Lodge is a locally listed building. The northernmost boundary of the site is some 120m from a Listed Building.

#### **Description of Proposal:**

Residential infill comprising 12 no. residential dwelling houses with associated off-street parking, garden space and external landscaping.

The houses would be laid out in four terraces each of three houses. The terraces would run north/south, parallel with and facing the vehicular access to Woolston Hall. Each terrace would have its own appearance of though with an overall unity of design to all four. All the houses would have three storeys, an integral garage and four bedrooms.

The site would include an area of communal open space at the southernmost end of the site.

### **Relevant History:**

EPF/1390/17 - Residential infill comprising 12 no. residential dwelling houses with associated off-street parking, garden space and external landscaping – Withdrawn 04/12/2017

*The application was considered by the Area Plans South Sub-Committee on 27<sup>th</sup> September 2017. The application was referred up to the District Development Management Committee to decide having regard to a validated viability assessment demonstrating what an appropriate contribution (related to Affordable Housing) could be, and Officers' recommendation (of refusal). The application was considered by the District Development Management Committee on 29<sup>th</sup> November when a decision was made that the application be referred to full Council with Officer recommendation for planning permission to be refused. The application was withdrawn by the applicant before the meeting of full Council took place.*

The site forms part of land put forward by developers in the "call for sites", reference SR-0492, in connection with the preparation of the draft local plan. The site formed part of the proposal for a Roding Garden Village on the wider extent of golf club land. However, the site was not allocated as a potential development site in the Draft Plan.

### **Policies Applied:**

#### *Adopted Local Plan:*

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the quality of the rural and built environment
CP3	New Development
CP4	Energy Conservation
CP5	Sustainable Building
CP6	Achieving Sustainable Urban Development Patterns
CP9	Sustainable Transport
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
HC12	Development Affecting the Setting of Listed Buildings
HC13A	Local List of Buildings
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H5A	Provision for Affordable Housing
H6A	Site Thresholds for Affordable Housing
H7A	Levels of Affordable Housing
H8A	Availability of Affordable Housing in Perpetuity
H9A	Lifetime Homes
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE4	Design in the Green Belt
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL1	Rural Landscape
LL2	Inappropriate Rural Development
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes

ST1	Location of Development
ST2	Accessibility of Development
ST4	Road Safety
ST6	Vehicle Parking
I1A	Planning Obligations

Essex County Council Revised Parking Standards 2009 SPG

Epping Forest District Council – Waste and Recycling provisions for new residential & business developments, Good practice guide for developers.

Chigwell Neighbourhood Plan 2018-2033, Submission Plan, March 2018

*NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

*Epping Forest District Local Plan (Submission Version) 2017:*

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intends to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP 1	Presumption in Favour of Sustainable Development
SP 2	Spatial Development Strategy 2011-2033
SP 3	Place Shaping
SP 6	Green Belt and District Open Land
SP 7	The Natural Environment, Landscape Character and Green and Blue Infrastructure
H 1	Housing Mix and Accommodation Types
H 2	Affordable Housing
T 1	Sustainable Transport Choices
DM 1	Habitat Protection and Improving Biodiversity
DM 2	Epping Forest SAC and Lee Valley SPA
DM 3	Landscape Character, Ancient Landscapes and Geodiversity
DM 4	Green Belt
DM 5	Green and Blue Infrastructure
DM 6	Designated and Undesignated Open Spaces
DM 7	Heritage Assets
DM 9	High Quality Design
DM 10	Housing Design and Quality
DM 11	Waste Recycling Facilities in New Development
DM 15	Managing and Reducing Flood Risk
DM 16	Sustainable Drainage Systems
DM 18	On Site Management and Reuse of Waste Water and Water Supply
DM 19	Sustainable Water Use

DM 21	Local Environmental Impacts, Pollution and Land Contamination
DM 22	Air Quality
D 1	Delivery of Infrastructure
D 3	Utilities
D 5	Communications Infrastructure
D 6	Neighbourhood Planning

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 29

Site notice posted: 10/04/2018

Responses received:

1 WOOLSTON MANOR – Object, inadequate infrastructure, construction process would cause disruption, noise disturbance, over crowding, over development, out of character with the area, overlooking.

2 WOOLSTON MANOR – Object, noise and other disturbance, significant disruption to our local living environment whilst a development project runs its course, traffic generation would impact of public safety.

6 WOOLSTON MANOR – Object, increased traffic would cause noise/ air pollution, would generate traffic to beyond a safe and acceptable level, construction process would cause disruption.

19 WOOLSTON MANOR – Object, inadequate infrastructure, construction process would disrupt access and traffic, will add to blockage issues with water supply and sewerage, would add to inadequacy of broad band connectivity.

26 WOOLSTON MANOR – Object, drainage and sewage system is clearly at its limits, road system cannot deal safely with the additional traffic, adverse impact on general aesthetics, inadequate connection to communications.

CHIGWELL PARISH COUNCIL: No objection

NATIONAL GRID: No objection.

ECC Archaeology: Recommend a condition to secure the implementation of a programme of archaeological work to any planning permission.

Thames Water: No objection.

### **Main Issues and Considerations:**

The main issue with this proposal is considered to be Green Belt policy. Other considerations are Affordable Housing, strategic implication to the Submission Version of the Local Plan, affect to the setting within the landscape, sustainability, the quality of the design in terms of appearance, highway matters, any affect to heritage assets, any impact to neighbours, and whether the proposal would offer adequate amenity to future occupiers.

Matters which are not considerations are planning obligations (notwithstanding Affordable Housing) since the circumstances are not appropriate for the securing of community benefits.

A financial contribution for Affordable Housing of £1,624,533 is offered by the applicant. This figure has been verified by a consultant acting for the Council, Kift Consulting Limited. However, no legal agreement has been submitted as part of this application to date. Policy I1A requires that, in appropriate circumstances, a legal agreement is in place prior to the grant of a planning permission.



## Green Belt

The application site is within the Green Belt. Impact on the openness of the Metropolitan Green Belt is considered to be the main issue. The NPPF states, at paragraph 79, that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The proposal would replace open land with the built form of four terraces of houses. The proposal is therefore fundamentally contrary to Green Belt policy.

However, the applicant's agent makes the argument that there are very special circumstances such that the proposal would not be inappropriate in the Green Belt. The circumstances are summarised at page 3 of the planning statement submitted as part of the application documentation.

Within the application the argument is made that the site is former garden land of The Lodge and therefore should be considered to be brownfield land. However, based on a site visit the site certainly does not have the character of previously developed land. The site is simply an area of short, but not mown, grass. The site appears to be part of the general landscaping leading to a golf club and similar leisure uses located further beyond Abridge Road. Furthermore, even if the site were accepted to be brownfield land it would also be necessary for the proposal to have no greater impact on the openness of the Green Belt. An exception to development within the Green Belt being inappropriate includes limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. However, in this case there would be a greater impact on the openness of the Green Belt; the land is now completely open.

Within the application the argument is made that the site is an infill development between Woolston Manor Lodge and Woolston Manor Apartments. Paragraph 89 of the National Planning Policy Framework sets out exceptions to new buildings being inappropriate in the Green Belt. One such exception is limited infilling in villages. However, the site cannot be described as limited infilling in a village. The site is of a substantial size and is not in a village. The site is situated within an isolated rural location, distinct from the built up area of Chigwell.

In relation to a previous planning application (EPF/1390/17), an opinion was expressed in a draft document by a barrister, who was considering a question regarding Affordable Housing provision, that the application site was situated in a settlement (paragraph 45 refers). Elsewhere in the draft document (paragraph 20) there is a suggestion that the term settlement could include a small village.

It is accepted by officers that the site is not in the open countryside. The surrounding area comprises of a house to the immediate southeast and an apartment block to the immediate northwest, with a golf course to the west and some open shrub land to the east beyond which is the Top Golf driving range. North of the site is a small complex of indoor D2 uses – restaurant, building for function hire, fitness centre, leisure use building which includes the driving range that in turn includes a bar, shop and restaurant. It is otherwise surrounded by open countryside.

Nevertheless, the site could not be described, by any stretch of the imagination, as being limited infilling in a village, as required by bullet point 5 of paragraph 89 of the NPPF in order

to be considered an exception to being inappropriate in the Green Belt. No definition of the word limited in this context is provided though it is generally accepted that a single dwelling would, in the relevant context, constitute limited infilling. The proposal is for twelve dwellings. The site is not in a village - though it could be said to be on the edge of or even in a cluster of built forms.

With regard to bullet point 6 of paragraph 89 of the NPPF, the site is not a previously developed site (brownfield land). The land does not appear to have been previously developed and historically formed part of the Woolston Hall Estate. It is now part of the Woolston Manor Golf Club and is set over to grass. Aerial photos and historic maps do not show that this field has at any stage been incorporated into the curtilage of The Lodge, and its use appears to have been farmland / pasture / parkland, and is now green space associated with the golf course. The history of the site has been examined with regard to any ground contamination and the relevant team has commented that records indicate that the site formed part of an undeveloped field.

None of the other bullet points at paragraph 89 are applicable to the application site.

In conclusion with regard to Green Belt policy, the proposal is contrary to policy and no exception to Green Belt policy is applicable in this case.

#### *Affordable Housing*

In 2017, the Council adopted its new Housing Strategy that includes a number of policies relating to the delivery of affordable housing. This Housing Strategy was adopted at a meeting of the Council's Cabinet on 12 October 2017, following detailed scrutiny by the Council's Communities Select Committee. A copy of the Housing Strategy 2017 – 2022, which provides further background to these policies can be found here:

<http://www.eppingforestdc.gov.uk/home/file-store/category/436-businessplans?download=4700:housing-strategy-2017-22>

Under Policy H2 - Affordable Housing of the Local Plan (Submission Version) 2017, the Council requires 40% of dwellings on new housing developments to be for affordable housing provided on site. Since this proposal proposes 12 dwellings, the applicant would normally need to provide at least 5 of the overall number of homes as affordable housing.

The applicants have offered to make a financial contribution in lieu of affordable housing on site towards provision of affordable housing elsewhere in the District. Policy H2 allows for this only in exceptional circumstances where it is inappropriate to provide the affordable housing on site. The applicant's argument in support of this is that the 4 bed houses have been offered to the Council's Preferred Partner Housing Associations and none has expressed an interest. However, the reason for this is that there is very little need for 4 bed houses from those on the EFDC Housing Register and 4 bed houses would therefore be difficult for housing associations to let.

The applicants have put forward the argument that there is a demand for 4 bed properties in the locality. However, planning applicants are required under Local Plan Submission Version (SV) Policy H1 to justify the mix of new homes taking account of local housing need, backed up by evidence, and to include affordable housing in accordance with Policy H2 as set out above. Therefore the affordable housing must meet local needs, which will mean applicants on the Housing Register. The need in this area is for 1, 2 and 3 bed units; 4 bed units are not required. Therefore, the scheme should be redesigned to meet this need and to provide a reflective mix as required by the Local Plan (SV). At least one of the Council's Preferred Partners would be interested in purchasing the affordable housing but only if the dwellings were to be 3 bed houses or smaller.

The applicant has produced a Financial Viability Appraisal which has concluded that the scheme can make a financial contribution of £1,548,800 and still make a healthy surplus. This figure represents an estimate of the increased development value if affordable housing is not provided on site. This is in line with Local Plan (SV) requirements for calculating affordable housing financial contributions in lieu of on-site affordable housing. The appraisal has been validated by Kift Consulting who have concluded that the appropriate financial contribution should be £1,624,533. The applicant has accepted the findings of Kift Consulting and has increased the offer of a financial contribution to £1,624,533.

Specialist advice on Affordable Housing recommends refusal of this planning application from an affordable housing point of view. This is because it would be viable to provide a 40% affordable housing contribution on site if the proposed development were to be redesigned to incorporate 3 bed affordable houses or smaller. There are no exceptional circumstances to justify providing a financial contribution in lieu of on-site affordable housing.

#### Emerging Policy Documents

The site is not allocated for housing use in the Submission Version of the Local Plan nor the Chigwell Neighbourhood Plan Submission Version.

#### Impact to neighbours

The flats of Woolston Manor Apartments would have an isolation space from the nearest proposed house of some 16m in the form of a car park to the flats. The Lodge would be orientated to the south of the proposed houses and have an isolation space of nearly 20m in the form of an area of communal open space.

Given the isolation spaces in conjunction with the scale, layout and detailed design of the proposed houses, it is considered that no material adverse impact would result to occupiers of neighbouring properties.

#### Sustainability

With regard to sustainable building techniques and energy conservation, no particular feature is apparent. The proposal is contrary to policy CP5.

Furthermore, the proposal is not within a sustainable location and would therefore result in a development heavily reliant on private motor vehicles. Each house would have an integral garage and two parking spaces on a drive leading to the garage. As such the proposal does not sufficiently meet the measures identified in policy regarding sustainable development and would be detrimental to public amenity and contrary to Policies CP1 (v) and CP6 and the provisions of the National Planning Policy Framework, particularly at paragraph 96.

The Epping Forest District Local Plan Submission Version (2017) pursues sustainability through numerous policies, for example those relating to sustainable drainage systems, sustainable water use or air quality. The proposal as currently presented addresses none of these requirements.

#### Design and landscape

The terraces and houses within them would have a very good appearance, albeit with a somewhat urban character.

The Trees and Landscaping Team has been consulted on the application. In response an objection is raised on the grounds that the proposal would have a greater visual impact and would unduly diminish the rural character and openness of the landscape and as such would be contrary to policies CP2 (i, ii, iv, v.), LL1 and LL2 of the adopted Local Plan and Alterations and policies SP 7 and DM 3 of the Epping Forest District Local Plan Submission

Version (2017).

With regard to tree matters, it is acknowledged that there are no trees within the site, and that the submitted tree reports show that trees the subject of Tree Preservation Orders along the driveway are at sufficient distance that they should not be adversely impacted by the proposal.

However, it is the impact on the openness of the landscape that leads the Trees and Landscaping Team to assert that this site is not appropriate for development. Furthermore, to develop this field would set a perilous precedent for the whole extent of agricultural fields between Chigwell and Abridge -it would compromise the openness of the Green Belt and would not safeguard the countryside from encroachment.

Overall the proposal appears intrusive, inappropriate, and detrimental to the appearance and setting of the locality. This view is supported by the Chris Blandford 'Settlement Edge Landscape Sensitivity Study' (Jan 2010) which concludes that this site provides a –

- 'major' contribution to the openness of the greenbelt
- 'moderate' role in checking the unrestricted sprawl of large built up areas – i.e. the landscape setting provides open land between areas of built development.
- 'major' role in preventing neighbouring towns from merging into one another.
- 'moderate' role in assisting in safeguarding the countryside from encroachment to retain the predominant sense of openness.

#### Highway matters

The Highway Authority has no comment to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 and ST6 of the Local Plan. The Highway Authority comment that the site is well served by the existing access to the Golf Club and the traffic movement from the proposal will be insignificant in highway terms. Consequently the proposal will not be detrimental to highway safety, efficiency or capacity at this location. Notwithstanding this, there is no turning facility within the application site; each dwelling would have vehicular access to parking spaces, one behind the other, directly off an access way just beyond the boundary of the application site.

#### Amenity of future occupiers

The proposal would offer a high degree of residential amenity to future occupiers.

#### Other matters

The application documentation makes great play of the importance of the provision of a five-year supply of land for housing. The Council's Housing Implementation Strategy, published in December 2017 (<http://www.efdclocalplan.org/wp-content/uploads/2017/12/Housing-Implementation-Strategy-Epping-Forest-District-Council-December-2017-EB410.pdf>) explains that, in accordance with paragraph 47 of the NPPF, the Council has identified a supply of specific deliverable sites sufficient to provide five years' worth of housing against the housing requirements in the LPSV. On 14 December 2017, at an Extraordinary Full Council meeting, Members approved the Local Plan Submission Version (LPSV) for publication under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the 2012 Regulations") and for submission to the Secretary of State for independent examination under section 20 of the PCPA 2004. The LPSV comprises a series of up-to-date strategic and development management policies for the District, together with site allocations. It sets out the strategy for meeting the District's objectively assessed needs for housing, employment and infrastructure from 2011 up to 2033. The LPSV is based on up-to-date evidence and the results of the previous Local Plan consultations undertaken in 2010/11, 2012, and 2016. Once adopted, the Plan will form part

of the statutory development plan for the District and will replace the saved policies of the adopted Local Plan (1998) and Alterations (2006). Any approval of the application proposal, which is a “major” application for more than ten dwellings, could prejudice the delivery of the emerging allocations. Given the substantial and extensive up-to-date evidence and site selection work which underpins the housing allocations in the LPSV, officers generally advise against any support for proposals for development outside of settlement boundaries which are not part of the LPSV allocations, or which are not in accordance with the Local Plan Rural Exceptions policy with respect to housing, or which do not comply with national and local policies concerning Green Belt and brownfield land. Larger scale developments within settlement boundaries which come forward on sites which are not allocated will be assessed against national, adopted Local Plan, and LPSV policies; consideration will be given as to whether the proposal would in any way prejudice the implementation of site allocations within the LPSV.

No objection is raised with regard to ecological matters, subject to conditions to any planning permission addressing an enhancement scheme, protection of nesting birds, retaining the current ecological value until development commences and a bat survey if there were to be any change to trees on the eastern boundary.

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the SAC as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2. Notwithstanding the fact that this work is yet to be completed the applicant would be required to enter into a S106 agreement with the level of contribution being agreed after the committee. However, this issue is redundant since the recommendation is one of refusal.

A Flood Risk Assessment and a Drainage Strategy has been submitted as part of the application documentation. The application form states, in response to question 12, that surface water will be disposed of by a sustainable drainage system.

Specialist archaeological advice for the previous planning application was that any planning permission should be subject to a condition regarding archaeology.

Gas pipelines are near the site though no objection is raised by the relevant authority.

With regard to heritage assets, the site is considered to be sufficiently distant from them such that there would be no material adverse impact to character.

Comments from local residents suggest that internet access is inadequate in the locality. Policy D 5 A. of the Epping Forest District Local Plan Submission Version (2017) requires applicants for major development proposals to demonstrate how high speed broadband infrastructure will be accommodated.

### **Conclusion:**

The proposal is contrary to Green Belt policy; fails to provide required on site Affordable Housing; and, does not represent sustainable development. The proposal is contrary to policy set out in both the adopted Local Plan and the Submission Version and would be detrimental to public amenity by virtue of failing to use natural resources prudently and failing to mitigate and adapt to climate change; the proposals would not represent moving to a low carbon economy. Refusal is recommended.

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## **Report to Council**

**Date of meeting: 25 September 2018**

**Subject: Overview and Scrutiny Report to Council**

**Contact for further information: Councillor M Sartin  
(Chairman, Overview and Scrutiny Committee)**

**Committee Secretary:** Adrian Hendry, ext.4246

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### **Recommendations/Decisions Required:**

**That the Overview and Scrutiny progress report from July 2018 to the present be noted.**

### **Report:**

#### **Overview and Scrutiny Committee Meeting – 24 July 2018**

1. At our meeting on Tuesday 24 July, we welcomed three officers from Epping Forest Citizen's Advice. They were there to give us an overview of the work they did in our area.
2. We noted that they provided free, confidential, independent and impartial advice to people on their rights and responsibilities. They provided advice on a face to face basis and by telephone and also hold an evening pro-bono solicitor's and a family solicitor's rota. Last year they saw nearly 2000 people and advised them on 7,409 different issues. Providing this service, they have 44 volunteers who had solved the problems of 2 out of every 3 clients.
3. They told us that they had several challenges that they had to face, including funding, volunteer and recruitment training, staff shortages and in particular the EFDC objectives set by us when we allocated them funding. They suggested that joint objectives should be agreed between them and us so that it matched more of their core work. They would also like better monitoring as at present the monitoring was restricted only to their 5 objectives.
4. We then reviewed the Council's Forward Plan of Key Decisions and the Transformation Programme report on their project dossier.
5. We then reviewed and agreed the membership change to the Resources Select Committee and the work programmes of our committee and the other select committees.
6. Finally, we hope to have Stansted Airport in the form of officers from the Manchester Airport Group at our October meeting to answer some questions that we have. The two officers we are expecting are their Planning Manager and their Corporate Social Responsibility Manager. Matters that they will cover will include the planned expansion of the airport, the handling of increased passenger numbers in the short term and employment opportunities for local residents. Members are welcome to attend this meeting and if they have any questions they are welcome to send them to the Democratic Service Manager for forwarding to the Stansted officers to prepare an answer.

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## ***Report to the Council***

**Committee:**            **Audit & Governance**                            **Date: 25 September 2018**

**Subject:**                **Audit & Governance Committee Annual Report 2017/18.**

**Chairman:**              **Councillor J Knapman**

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**Recommending:**

**(1) That the Annual Report of the Audit & Governance Committee for 2017/18 be noted.**

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1. The Annual Report of the Audit and Governance Committee outlines the Committee's work and achievements over the year ending 31 March 2018. The Annual Report helps to demonstrate to residents and the Council's other stakeholders the vital role that is carried out by the Audit and Governance Committee and the contribution that it makes to the Council's overall governance arrangements.

2. The Annual Report is attached as an Appendix to this report, and we recommend as set out at the commencement of this report.

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**EPPING FOREST DISTRICT COUNCIL**

**ANNUAL REPORT**

**OF THE**

**AUDIT AND GOVERNANCE COMMITTEE**

**2017/18**

## **INTRODUCTION**

The Audit Committee was established by the Council in July 2007. Its purpose is:

- to provide independent assurance to the Council in respect of the effectiveness of the Council's governance arrangements, risk management framework and the associated control environment; and
- independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment.

Whilst there is no statutory obligation for a local authority to establish an audit committee, they are widely recognised internationally across the public and private sectors as a key component of effective governance. Similarly, it is considered good practice for the Committee to report annually to the Council on its work.

The key benefits of an effective audit committee are:

- increasing awareness regarding the effectiveness and continued development of the Council's governance arrangements;
- providing additional assurance on the robustness of the Council's governance arrangements through a process of independent and objective review;
- reducing the risks of illegal or improper acts;
- increasing public confidence in the objectivity and fairness of financial and other reporting;
- contributing to performance improvements in assurance levels and awareness of the need for strong internal control including the implementation of audit recommendations; and
- reinforcing the importance and independence of internal and external audit and similar review processes.

### **1. ASSURANCE ACTIVITY 2017/18**

To help the Committee draw conclusions about the effectiveness of the Council's internal control framework, governance and risk management it gained assurances from the following sources:

#### **Internal Audit**

The Accounts and Audit (England) Regulations 2015 require the Council to maintain an adequate and effective internal audit which is discharged by the Director of Resources as Section 151 Officer. Internal Audit is a key source of assurance for both Members and management on the effectiveness of the control framework. The Committee has a responsibility for ensuring that Internal Audit is effective in the provision of this assurance.

The Committee considered and agreed reports regarding the Internal Audit Strategy, Internal Audit Charter and Annual Plan 2017/18, and progress by management in implementing audit recommendations. It also received regular progress reports on the work and performance of Internal Audit. These reports have helped in ensuring that reported weaknesses have either been addressed or the identified risks adequately mitigated by management and that there is an effective system of governance and internal control in place.

The Committee also kept under review the joint working arrangements with Harlow District Council and Broxbourne Borough Council, including audit resources to deliver the plan and benefits derived from the shared working.

### **Assurance Framework / Annual Governance Statement**

The Committee's terms of reference include advising on the effectiveness of the Council's assurance framework including the production of the Annual Governance Statement.

During the year, the Committee has received reports on the control framework and how the annual review and assurance process is undertaken. The Assurance Framework is compiled from various sources of assurance, for instance Directors and other key officers.

The Chief Internal Auditor provides an annual report and opinion regarding the Council's control framework. This opinion is considered by the Committee alongside other sources of assurance.

The Committee reviewed the Annual Governance Statement (AGS) for 2016/17 which identified governance issues requiring further ongoing improvement relating to:

- the Council's readiness with the General Data Protection Regulations which came into force 25 May 2018; and
- raising awareness of Corporate Policies such as Code of Conduct, whistleblowing and data protection.

The assurance framework remained unchanged during 2017/18 and the Council's Code of Corporate Governance was reviewed by the committee in February 2018 to ensure it remains compliant with the CIPFA/SOLACE Framework - Delivering Good Governance in Local Government. The Committee was able to be satisfied that there is a robust assurance framework in place to safeguard the Council's resources through reliance on the annual review of the Council's system of internal control and the Chief Internal Auditor's annual opinion.

### **Anti-Fraud and Corruption**

Countering fraud and corruption is the responsibility of every Member and officer of the Council. The Committee's role in this area has been to monitor and support the actions taken by officers to counter fraud, particularly as the Council has its own in-house Corporate Fraud Team, who work in tandem with Internal Audit.

The Committee receives reports and presentations on such work undertaken in the Council and proactive fraud work, for example participation in the National Fraud Initiative (NFI).

The Council continues to send out a strong message that fraud will not be tolerated and that where fraud is proven the strongest possible actions of redress will be taken.

Based on the work to date, coupled with no major incidences of internal fraud and corruption being highlighted by management, the Corporate Fraud Team or Internal Audit, the Committee concludes that there is a sound anti-fraud and corruption framework in place. The Council's anti-fraud strategy was approved by Council in July 2017, following approval by the Audit and Governance Committee.

### **Risk Management**

The Committee receives regular reports on risk management, including in March 2018 a report on the effectiveness of the arrangements for risk management highlighting the Council had continued its programme of risk management.

## **Treasury Management**

In accordance with its Terms of Reference, the Committee reviewed the Council's Treasury Management Strategy and considered the risks associated with the Council's treasury activity and how these are managed. The Committee also considered progress reports on the treasury management function and performance against prudential indicators.

## **Statement of Accounts and External Auditors**

At its September meeting the Committee reviewed the Council's draft Statement of Accounts for 2016/17 before recommending for adoption by the Council.

During the year the Committee received a number of reports from the External Auditors (BDO) who attend each meeting. These reports include the Annual Governance Report 2017/17, Annual Audit Letter 2016/17, Audit Plan 2017/18, and Grant Claims and Returns of Certification for the year ending March 2017. When reviewing the Committee considered audit risks highlighted by the External Auditors.

## **2. COMMITTEE WORKING ARRANGEMENTS**

The Committee has a rolling and flexible programme of work for its main areas of activity which is proactively reviewed and amended throughout the year to reflect changes in policies, priorities and risks. The Committee met five times in 2017/18. The Committee considered items which are presented annually, such as audit results, the statement of accounts, the annual governance statement, and audit plans; as well as a number of other items including treasury management as this falls under the committee's remit.

Training sessions have been held and the agreed work programme enables the Committee to provide an independent assurance to the Council as to the adequacy of the risk management framework and the associated control environment. Training provided in 2017/18 included treasury management and the role of the Audit Committee and was developed on the back of the Committee's skills and knowledge analysis undertaken in 2016/17.

Members of the Committee have a wide range of both experience and professional knowledge which, coupled with it having two co-opted persons, has continued to help demonstrate its independence. The Committee has the benefit of being well supported by Council officers. This includes the Section 151 Officer, the Monitoring Officer, and the Chief Internal Auditor as well as the Council's external auditors.

There have been no reported major breakdowns in internal control, governance and risk management that have led to a significant loss in one form or another, nor any major weakness in the governance systems that has exposed, or continues to expose, the Council to an unacceptable level of risk.

The purpose, strategy and work programme of the Committee mitigates against any major failure by the Council to obtain independent assurance in relation to the governance processes underpinning:

- An effective risk management framework and internal control environment including audit;
- The effectiveness of financial and non-financial performance (to the extent that it affects exposure to risk and poor internal control); and
- The compilation and consideration of the Annual Governance Statement.

## **Outcomes / Achievements**

Through its work, the Committee's main outcome is in the additional assurance provided of the robustness of the Council's arrangements regarding corporate governance, risk management and internal controls.

The Committee has added value through its activity and in particular:

- it has continued to increase the importance placed upon governance issues, particularly risk management, anti-fraud and the assurances sought that key risks are being mitigated; and
- it has continued to raise the profile of internal control issues across the Council and to seek to ensure that audit recommendations are implemented.

## **Conclusions**

The Committee's remit is achieved firstly through it being appropriately constituted, and secondly by the Committee being effective in ensuring internal accountability and the delivery of audit and a robust assurance framework. The Committee has received and challenged reports from management and both internal and external audit.

The agreed work programme enables the Committee to provide independent assurance to the Council as to the adequacy of the risk management framework and the associated control environment.

The Committee has continued to have a real and positive contribution to the governance arrangements of the Council. The Committee's key achievement is in the additional assurance provided of the robustness of the Council's arrangements regarding corporate governance, risk management and the control environment.

## **Looking Forward**

The Committee has continued to work well and has considered a wide range of different topics relating to the Council's governance framework. It has continued to establish and develop its role, particularly in respect of ensuring that there are good risk assessment / management arrangements and good governance procedures in place.

Stricter internal control and the establishment of a Committee can never eliminate the risks of serious fraud, misconduct or misrepresentation of the financial position. However, the Committee will continue to raise awareness of the need for internal control and the implementation of audit recommendations as well as to maintain a watching brief on the areas highlighted in the Annual Governance Statement. In addition, through a process of independent and objective reviews, the Committee is best placed to provide an additional assurance as the adequacy of the Council's overall governance arrangements.

The Committee has performed its duties as required under its terms of reference, contributing to an effective control framework. In order to build upon its achievements to date and to raise awareness of the work of the Committee during the coming year the Committee will focus on the following:

- Continue to review governance arrangements to ensure that the Council adopts best practice;
- Continue to support the work of audit and ensure that appropriate responses are provided to their recommendations;
- Continue to help the Council manage the risk of fraud and corruption;

- Provide effective challenge, particularly to officers, raising awareness of the importance of sound internal control arrangements and giving the appropriate assurances to the Council;
- Consider the effectiveness of the Council's risk management arrangements.
- Provide existing and new members to the Committee with relevant training, briefings etc. to help in discharging their responsibilities.



## Royal Gunpowder Mills meeting the 4<sup>th</sup> of August 2018

-presented by EFDC external bodies representative Cllr Helen Kane

First, I need to thank the Chairman for additional information sent to me since the last meeting of the Operating Company Board, in August, with the following developments for notice: -

1. The 3 new Trustees who have legal and business experience are now actively involved in WARGM affairs.
2. There is to be an Away Day on Sept 11th for Board members to discuss future initiatives to broaden WARGM's appeal.
3. There is to be an autumn visit to Chatham Dockyard to understand its operation and draw upon their experience of running a comparable site.
4. There is to be another meeting of the joint Working Party with the Foundation next week (in September) to discuss the future of WARGM. No firm decisions yet.
5. The **Way Forward** is being expanded and other supporting documents are being produced by the Operating Company. A future for New Hill is under active discussion.
6. A potential investor/developer has shown interest in the site.
7. Urgent repairs to some buildings have been agreed by the Foundation.

Further and more detailed information to follow during discussions in the forthcoming scheduled meeting in October 2018

Cllr Helen Kane

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