

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** District Development Management Committee    **Date:** 27 October 2021

**Place:** Council Chamber - Civic Offices    **Time:** 7.00 - 10.40 pm

**Members Present:** S Jones (Chairman), B Rolfe (Vice-Chairman), R Baldwin, H Brady, I Hadley, S Heap, P Keska, J Lea, R Morgan, C C Pond, S Rackham, J M Whitehouse, K Williamson, H Kane and Caroline Pond

**Other**

**Councillors:** L Burrows, S Kane, C Whitbread and H Whitbread

**Apologies:** S Heather and H Kauffman

**Officers Present:** N Richardson (Service Director (Planning Services)), G Woodhall (Team Manager - Democratic & Electoral Services), A Buckley (Higher Level Apprentice (Internal Communications)), N Finney (Planning Officer), L Grainger (Joint Implementation Team Manager), E Holton-Walsh (Planning Officer), J Leither (Democratic Services Officer), S Mitchell (PR Website Editor) and K Shah (Senior Urban Design Officer)

### **30. WEBCASTING INTRODUCTION**

On behalf of the Chairman, the Team Manager for Democratic & Electoral Services – G Woodhall - reminded everyone present that the meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

### **31. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES**

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Committee when determining applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at meetings of the Council's planning committees.

### **32. SUBSTITUTE MEMBERS**

The Committee was advised that the following substitute members had been appointed for the meeting:

- (a) Councillor C P Pond for Councillor H Kauffman; and
- (b) Councillor H Kane for Councillor S Heather.

### **33. DECLARATIONS OF INTEREST**

The following interests were declared by members of the Committee pursuant to the Council's Code of Member Conduct:

- (a) Councillor J M Whitehouse declared a personal interest in item 9 (Planning Application EPF/2924/20 – Bakers Lane Car Park, Bakers Lane, Epping) of the agenda for the meeting, by virtue of being a member of Epping Sports Centre. The Councillor had determined that his interest was not prejudicial and indicated that he would remain in the meeting for the consideration of the application and voting thereon.
- (b) Councillor J M Whitehouse declared a personal interest in item 11 (Planning Application EPF/0917/21 – Former School, Centrepoint Building and Council Depot Land at St John’s Road, Epping) of the agenda for the meeting, by virtue of being a member of Epping Town Council and being a resident of St John’s Road. The Councillor had determined that his interest was pecuniary and indicated that he would leave the meeting for the consideration of the application and voting thereon.
- (c) Councillor C C Pond declared a personal interest in all items on the agenda, by virtue of being acquainted with the objectors and some of the other participants involved in these applications. The Councillor had determined that his interest was not prejudicial and indicated that he would remain in the meeting for the consideration of the application and voting thereon.
- (d) Councillor K Williamson declared a personal interest in all items on the agenda, by virtue of being acquainted with the participants involved in these applications. The Councillor had determined that his interest was not prejudicial and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

#### **34. MINUTES**

##### **RESOLVED:**

That the minutes of the meeting of the Committee held on 1 September 2021 be taken as read and signed by the Chairman as a correct record.

#### **35. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE**

The Committee was reminded that a briefing note had been prepared to ensure that a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version (LPSV) on 18 December 2017, and the Main Modifications to the LPSV which had been published for consultation on 15 July 2021. Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for Councillors, Officers, Applicants, Planning Agents and other persons involved in the development management process.

##### **Resolved:**

- (1) That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version, be noted.

#### **36. SITE VISITS**

Cllr C C Pond proposed that site visits for the applications at Bakers Lane and Cottis Lane car parks, as well as the site of the former School in St Johns Road and Epping

Sports Centre in Hemnall Street should take place prior to the Council determining these applications. This proposal was seconded by Cllr S Heap, who felt that site visits were important given the momentous decisions for Epping being considered.

The Director of Planning Services, N Richardson, reminded the Committee that it should be familiar with these sites as they were public town centre sites. In addition, there had been considerable public consultation on these proposals, and there was also a considerable amount of detail on each site as part of the Officer's presentation.

The majority of the Committee did not support the proposal to hold site visits for these applications. They felt that the reports were extensive, the sites were accessible, and there had been extensive public consultation. Consequently, the proposal was lost.

**Decision:**

- (1) That the planning applications for the Bakers Lane and Cottis Lane car parks in Epping be determined at the meeting and not deferred for site visits.

**37. EPF/1126/21 - 9 POWELL ROAD, BUCKHURST HILL**

N Richardson presented a report for ratification of the decision to grant planning permission under delegated authority for a single storey front extension to the garage and a change to a habitable room.

N Richardson explained that this application had originally been dealt with by Officers under delegated authority. However, it had subsequently been discovered that the Applicant was closely related to a serving District Councillor, and the application should have been referred to this Committee for a decision. The Committee was requested to ratify the Officer's original decision to grant planning permission.

**Decision:**

- (1) That the original decision to grant planning permission to planning application EPF/1126/21 at 9 Powell Road in Buckhurst Hill be ratified, subject 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 shall be carried out and retained strictly in accordance with the following approved plans: Existing and proposed east and north elevations, Existing and proposed west and south elevations, Existing and proposed sections and roof plan, Existing and proposed floor plans, Existing and proposed site plan, and location plan, proposed first floor plan, proposed section A-A.

- 3...The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building [or those shown on plan number: Existing and proposed east and north elevations, Existing and proposed west and south elevations, Existing and proposed sections and roof plan, Existing and proposed floor plans, Existing and proposed site plan, and location plan, proposed first floor plan, proposed

section A-A, unless otherwise agreed in writing by the Local Planning Authority.

### 38. PRINCIPLES OF DEVELOPMENT

The Committee agreed that, as the remaining five planning applications were connected as one redevelopment scheme for Epping, there would be a short introduction to the principles behind the developments first, before a more detailed consideration of each individual planning application prior to its determination.

The Planning Officer, N Finney, presented the principles behind the proposed development of the five sites as a single redevelopment project before the Committee, all of which had been identified within the Council's emerging Local Plan. A brief summary of each development was given and contrasted with the site allocation within the Local Plan. The Committee was also informed of the outcome of the Habitat Regulations Assessment for the five sites, and the package of mitigation measures required given the sites' proximity to the Epping Forest Special Area of Conservation. The Committee was informed that the applications would provide 25% affordable housing, and the principal heads of terms for the Section 106 Legal Agreement was also outlined.

The Committee noted that the Cottis Lane and Bakers Lane applications proposed commercial development, whereas the emerging Local Plan policy required housing. The shortfall in housing delivery would be met by the St Johns Road site. The remaining two applications at Hemnall Street and the Civic Offices were both proposing residential development. Consequently, a provision in the Section 106 Legal Agreement required the substantial implementation of a minimum of 78 units at St Johns Road to be provided prior to the commencement of above ground works at Bakers Lane. Other cross-site planning obligations in relation to the retention of the existing leisure centre and car parks prior to their replacement, and a package of air pollution mitigation across the five sites was set out in the draft Heads of Terms.

The Team Manager for Joint Planning Implementation, L Grainger, informed the Committee that the financial viability statements submitted by the Applicant demonstrated that the applications would not be viable with the provision of 40% of affordable housing (34% for the St Johns Road application due to the offset from vacant building credits). The Council's surveyors agreed with this assessment and 25% of affordable housing would be provided on each of the residential sites. In addition, the Legal Agreement would contain a trigger point at which the Applicant would have to confirm whether the residential development would be 'build to sale', or 'build to rent', and then to confirm the composition of affordable housing provision. This would apply to the St Johns Road, Hemnall Street and Civic Offices sites. It was also confirmed that the Applicant would likely be the management company for any 'build to rent' flats.

Cllr C C Pond counselled that the proposals marked a radical shift for Epping and its perception throughout the District as a small market town. Cllr H Brady was impressed that the Applicant had listened to residents during the public consultations and had amended their proposals accordingly. However, the Councillor felt that local residents and key workers should be prioritised for tenancies in these schemes, there should be some community benefit from the Section 106 Legal Agreement for community spaces and playgrounds, and hoped that the Epping Market would not suffer as the Bakers Lane car park was currently used by the Market Traders to park their lorries on market days.

**39. EPF/2924/20 - BAKERS LANE CAR PARK, BAKERS LANE, EPPING**

The Planning Officer, N Finney, presented a report for the redevelopment of the existing surface level car park to provide a Leisure Centre to include a swimming pool, gymnasium, sports hall, squash courts and studio, together with disabled parking provision, new vehicular and pedestrian access, all hard and soft landscaping and associated works.

The key issues of Design, Neighbouring Amenity and Sustainability for the application were explained to the Committee, and that the proposal included improvements to the highways in the vicinity. Planning Officers had concluded that:

- the proposals would integrate satisfactorily with the surrounding townscape in terms of scale, massing and overall design;
- the proposal would support the vitality and viability of the town centre and provide enhanced leisure facilities for the community;
- the proposals would have an acceptable impact on the living conditions of neighbouring properties in terms of light, privacy and outlook;
- the sustainability aspects of the proposal complied with the current policy; and
- overall, the proposed development was compliant with the requirements of the Development Plan and the LPSV.

The Committee noted the summary of representations that had been received in relation to this application. The Committee heard from the applicant before proceeding to debate the application.

The Committee welcomed the proposal to retain a sports centre in Epping, for which there was a need, and with facilities that were not in the original proposal or the current Sports Centre did not have, such as Squash Courts and a Swimming Pool. The inclusion of a 'green roof' for the building was also welcomed. Planning Officers confirmed for the benefit of the Committee that there would be 6 'blue badge' parking spaces available on the site, as well as over 300 parking spaces at the nearby Cottis Lane car park which were within easy walking distance of the new Sports Centre. In addition, the existing Sports Centre in Epping (Hemnall Street) would remain open until the new Leisure Centre was complete. The Committee noted the lack of parking available for School buses at the site, and Cllr C C Pond expressed some concern at the effect of the development on the amenities of the neighbours.

**Decision:**

(1) That planning application EPF/2924/20 at Bakers Lane Car Park in Epping be granted planning permission, subject to:

(a) the thirty-five planning conditions listed in Appendix 1 of the report on pages 71 – 92 of the agenda; and

(b) the completion of a Section 106 Legal Agreement to secure the planning obligations and financial contributions outlined on pages 17 – 19 of the agenda.

**40. EPF/2925/20 - COTTIS LANE CAR PARK, COTTIS LANE, EPPING**

The Planning Officer, N Finney, presented a report for the redevelopment of the existing surface level car park at Cottis Lane in Epping, comprising the demolition of public toilets and the construction of a multi-deck car park, cinema (sui generis), commercial floorspace (mixed Class E), replacement public toilets and cycle store, all

associated plant, together with new vehicular and pedestrian access, all hard and soft landscaping, and associated works.

The key issues of Design, Neighbouring Amenity and Sustainability for the application were described to the Committee. Planning Officers had concluded that:

- the proposals would integrate satisfactorily with the surrounding townscape in terms of scale, massing and overall design;
- the proposal would support the vitality and viability of the town centre;
- the proposals would have an acceptable impact on the living conditions of neighbouring properties in terms of light, privacy and outlook;
- In terms of transport, the extent of car and cycle parking was acceptable and, in combination with the submitted Travel Plan, would support the transition to Electric Vehicles;
- the sustainability aspects of the proposal complied with the current policy; and
- overall, the proposed development was compliant with the requirements of the Development Plan and the LPSV.

The Committee noted the summary of representations that had been received in relation to this application. The Committee heard from an objector and the applicant before proceeding to debate the application.

Cllr J M Whitehouse requested further clarification on condition 34 (Meanwhile Use Area [Cottis Lane]). L Grainger explained that there were 'trigger points' for the developer to bring forward alternative proposals if the proposed cinema was not developed, and the Council could take enforcement action if these alternative proposals were not forthcoming. The land could be used as publicly accessible open space as its 'Meanwhile' state.

Cllr H Kane enquired if there was a restriction on the opening hours of the new car park on Sundays and Bank Holidays, such as 10.00pm or 11.00pm? L Grainger explained that there had been no objections raised on this matter during the public consultation for the proposal, and it was in a town centre location. Cllr H Brady reminded the Committee that the current car parks were open 24 hours, seven days a week, and residents would use the car park when visiting the cafes and restaurants in the high street. L Grainger further added that the condition relating to opening hours of the development was for the proposed commercial uses, and did not include the car park or the meanwhile space – which would be subject to a further planning application as already outlined.

Cllr C C Pond lamented that these developments were predicated upon the construction of a multi-storey car park, when the Council should be encouraging residents to use their cars less, not more.

**Decision:**

(1) That planning application EPF/2925/20 at Cottis Lane Car Park in Epping be granted planning permission, subject to:

- (a) the thirty-seven planning conditions listed in Appendix 1 of the report on pages 173 – 195 of the agenda; and

- (b) the completion of a Section 106 Legal Agreement to secure the planning obligations and financial contributions outlined on pages 117 – 118 of the agenda.

*Cllr C C Pond requested that his vote against the granting of planning permission for this application be recorded in the minutes.*

**41. EPF/0917/21 - FORMER SCHOOL, CENTREPOINT BUILDING AND COUNCIL DEPOT LAND AT ST JOHN'S ROAD, EPPING**

The Planning Officer, E Holton-Walsh, presented a report for the redevelopment of the former school buildings and depot, including the demolition of five buildings and the retention of three locally listed buildings. The development would comprise the erection of new apartment buildings and the conversion, extension and change of use of the existing locally listed Centrepoint building and Cookery School to provide a mix of residential units (Use Class C3) and ancillary communal amenity areas; the extension and refurbishment of two existing locally listed semi-detached caretaker cottages; revised vehicular and pedestrian access from St Johns Road and new pedestrian access from High Street; all associated car and cycle parking; as well as the servicing, hard and soft landscaping and associated works.

The key issues of Design and Heritage, Neighbouring Amenity, Parking and Sustainability for the application were detailed to the Committee. Planning Officers had concluded that:

- the application site had been proposed for allocation (ref: EPP.R4) in the Epping Forest District Local Plan Submission Version (LPSV) to provide new residential accommodation. The proposal would provide additional housing which was a benefit that should be afforded significant weight in the planning balance, particularly in light of the acute housing shortage within the District. The scheme would also provide a significant amount of affordable housing;
- the proposals would integrate satisfactorily with the surrounding townscape in terms of scale, massing and overall design. Less than substantial harm to the conservation area and locally listed buildings had been identified, but, as per the guidance in the National Planning Policy Framework, this harm was outweighed by the significant benefit of bringing the buildings back into long-term viable uses, and the public benefit resulting from the provision of new and affordable homes;
- the proposals would have an acceptable impact on the living conditions of neighbouring properties in terms of light, privacy and outlook;
- In terms of transport, the extent of car and cycle parking was acceptable and, in combination with the submitted Travel Plan, would help reduce reliance on the private car and the transition to sustainable modes of travel;
- the sustainability aspects of the proposal complied with the current policy; and
- overall, the proposed development was compliant with the requirements of the Development Plan and the LPSV.

The Committee noted the summary of representations that had been received in relation to this application. The Committee heard from Epping Town Council and the applicant before proceeding to debate the application.

Cllr C C Pond commented that he could not form a view of the heritage value of the buildings to be retained as part of the development, as there had not been a planning site visit to the location; however, the Council Depot land used to be a dairy which had utilised electric vehicles.

Cllr H Brady had concerns that only 53 parking spaces were being provided for 180 plus new dwellings, and that the majority if the new residents would have cars and they would be forced to park in other locations across Epping. In addition, there were very few facilities locally for cycling, and provision should be made for cyclists in Epping.

Cllr H Whitbread welcomed the retention of some of the existing buildings on this key heritage site in Epping, and enquired if a condition could be added to the Section 106 legal agreement in respect of the Lower Swaines playground? N Richardson stated that Section 106 Legal Agreements were not normally that prescriptive, and the playground was within the Infrastructure Delivery Plan and it would be progressed. Therefore, it did not need a specific condition within the Legal Agreement, but the Council could add an informative to the Decision Notice in respect of the Playground.

Cllr J Lea commented that the owners of the proposed new dwellings should not be compelled to pay maintenance charges on their properties. N Finney explained that the 'build-to-rent' properties would be administered by property management companies so the management charges would be included in the rental charge.

**Decision:**

(1) That planning application EPF/0917/21 at the former School, Centrepoint Building and Council Depot Land in Epping be granted planning permission, subject to:

(a) the thirty-eight planning conditions listed in Appendix 1 of the report on pages 307 – 331 of the agenda; and

(b) the completion of a Section 106 Legal Agreement to secure the planning obligations and financial contributions outlined on pages 227 – 229 of the agenda.

**42. EPF/0918/21 - EPPING SPORTS CENTRE, 25 HEMNALL STREET, EPPING**

The Planning Officer, E Holton-Walsh, presented a report for the redevelopment of existing Sports Centre and car park, including the demolition of the existing Sports Centre. The development would comprise a new apartment building and houses to provide a mix of residential units (Use Class C3), new vehicular and pedestrian access from Nicholl Road and new pedestrian access from Hemnall Street, all associated car and cycle parking, servicing, hard and soft landscaping and associated works.

The key issues of Design and Heritage, Neighbouring Amenity, Parking and Sustainability for the application were detailed to the Committee. Planning Officers had concluded that:

- the application site had been proposed for allocation (ref: EPP.R5) in the Epping Forest District Local Plan Submission Version (LPSV) to provide new residential accommodation. The proposal would provide additional housing which was a benefit that should be afforded significant weight in the planning



balance, particularly in light of the acute housing shortage within the District. The scheme would also provide a significant amount of affordable housing;

- the proposals would integrate satisfactorily with the surrounding townscape in terms of scale, massing and overall design;
- the proposals would have an acceptable impact on the living conditions of neighbouring properties in terms of light, privacy and outlook;
- In terms of transport, the extent of car and cycle parking was acceptable and, in combination with the submitted Travel Plan, would help reduce reliance on the private car and the transition to sustainable modes of travel;
- the sustainability aspects of the proposal complied with the current policy; and
- overall, the proposed development was compliant with the requirements of the Development Plan and the LPSV.

The Committee noted the summary of representations that had been received in relation to this application. The Committee heard from Epping Town Council and the applicant before proceeding to debate the application.

There were further concerns raised about the amount of parking being provided for this development. Cllr C C Pond was also concerned that the site was within 350 yards of the Special Area of Conservation (SAC) within Epping Forest, and felt that new dwellings should not be planned for construction within the buffer zone of the SAC; there was the potential for harm to the SAC from this development. Cllr J M Whitehouse shared the concerns expressed by Cllr C C Pond, but was pleased to see the existing pedestrian cut-through being retained.

L Grainger reminded the Committee that mitigation measures to reduce the potential harm to the SAC from this development had been proposed as part of the application, and the Council was working within the requirements of the agreed Air Quality Mitigation Strategy. The modelling had suggested that there would be a net reduction in vehicle movements when considered cumulatively across the five development sites.

**Decision:**

(1) That planning application EPF/0918/21 at the Epping Sports Centre in Hemnall Street, Epping be granted planning permission, subject to:

(a) the thirty-five planning conditions listed in Appendix 1 of the report on pages 447 – 468 of the agenda; and

(b) the completion of a Section 106 Legal Agreement to secure the planning obligations and financial contributions outlined on pages 373 – 375 of the agenda.

**43. EPF/0919/21 EPF/1042/21 - CIVIC OFFICES CONDER BUILDING & CAR PARK, 323 HIGH STREET, EPPING**

The Planning Officer, E Holton-Walsh, presented a report for the redevelopment of the existing office building and car park, including the demolition of the existing office building and alterations to the connection with the existing Listed Civic Centre. The development would comprise new apartment buildings and houses to provide a mix

of residential units (Use Class C3), revised vehicular and pedestrian access from the High Street, all associated car and cycle parking, servicing, hard and soft landscaping and associated works. Grade II Listed building consent was also sought for the redevelopment of the existing office building and car park.

E Holton-Walsh drew the Committee's attention to the addendum report that had been tabled at the meeting, which detailed some changes in the Section 106 Legal Agreement financial contribution figures, as well as two late representations. The key issues of Design and Heritage, Neighbouring Amenity, Ecology, Parking and Sustainability for the application were detailed to the Committee. Planning Officers had concluded that:

- the application site had been proposed for allocation (ref: EPP.R8) in the Epping Forest District Local Plan Submission Version (LPSV) to provide new residential accommodation. The proposal would provide additional housing which was a benefit that should be afforded significant weight in the planning balance, particularly in light of the acute housing shortage within the District. The scheme would also provide a significant amount of affordable housing;
- the proposals would integrate satisfactorily with the surrounding townscape in terms of scale, massing and overall design;
- less than substantial harm to the conservation area had been identified, but, as per the guidance in the NPPF, this harm was outweighed by the significant benefit of bringing the buildings back into long-term viable uses, and the public benefit resulting from the provision of new and affordable homes;
- the proposal would safeguard the significance of the listed building;
- the proposals would have an acceptable impact on the living conditions of neighbouring properties in terms of light, privacy and outlook;
- In terms of transport, the extent of car and cycle parking was acceptable and, in combination with the submitted Travel Plan, would help reduce reliance on the private car and the transition to sustainable modes of travel;
- the sustainability aspects of the proposal complied with the current policy; and
- overall, the proposed development was compliant with the requirements of the Development Plan and the LPSV.

The Committee noted the summary of representations that had been received in relation to this application. The Committee heard from an objector, Epping Town Council and the applicant before proceeding to debate the application.

Cllr C C Pond opined that in relation to Buttercross Lane, the proposed development would not enhance the conservation area, and that he would oppose this application. Cllr S Rackham, whilst not against the proposal, would have preferred the planting of more trees to have been included.

In response to questions from the Committee, Planning Officers confirmed that the existing link from the Civic Offices to the existing Conder Building would be retained as part of this application, the materials to be used for the buildings had to be agreed in advance with the Local Planning Authority in accordance with condition 4, and the set-back distances between existing dwellings on Buttercross Lane and the proposed

new dwellings within this application were detailed in paragraphs 19.9 and 19.10 of the report on the agenda.

**Decision:**

(1) That planning application EPF/0919/21 at the Civic Offices Conder Building and Car Park in Epping be granted planning permission, subject to:

(a) the thirty-seven planning conditions listed in Appendix 1a of the report on pages 585 – 607 of the agenda; and

(b) the completion of a Section 106 Legal Agreement to secure the planning obligations and financial contributions outlined on pages 508 – 509 of the agenda, as amended by the addendum report;

(2) That the Listed Building planning application EPF/1042/21 at the Civic Offices Conder Building and Car Park in Epping be granted planning permission, subject to:

(a) the six Listed Building planning conditions listed in Appendix 1b of the report on pages 611 – 331 of the agenda.

*Cllr C C Pond requested that his vote against the granting of planning permission for application EPF/0919/21 be recorded in the minutes.*

**44. ANY OTHER BUSINESS**

It was noted that there was no other urgent business for consideration by the Committee.

**45. EXCLUSION OF PUBLIC AND PRESS**

The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

**CHAIRMAN**

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