

## **EPPING FOREST DISTRICT COUNCIL CABINET MINUTES**

**Committee:** Cabinet **Date:** 23 June 2014

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 7.55 pm

**Members Present:** C Whitbread (Chairman), Ms S Stavrou (Vice-Chairman), R Bassett, W Breare-Hall, Mrs A Grigg, Ms H Kane, A Lion, J Philip, D Stallan and G Waller

**Other Councillors:** K Angold-Stephens, Mrs C P Pond and Ms G Shiell

**Apologies:** -

**Officers Present:** G Chipp (Chief Executive), D Macnab (Director of Neighbourhoods), C O'Boyle (Director of Governance), R Palmer (Director of Resources), S G Hill (Assistant Director (Governance & Performance Management)), P Pledger (Assistant Director (Housing Property)), T Carne (Public Relations and Marketing Officer), G J Woodhall (Democratic Services Officer) and J Leither (Democratic Services Assistant)

**Also in attendance:** A Blom-Cooper (Fortismere Associates)

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### **176. WEBCASTING INTRODUCTION**

The Leader made a short address to remind all present that the meeting would be broadcast to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### **177. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor A Lion declared a personal interest in agenda item 12, Property Transfer – Victory Hall, Hainault Road, Chigwell, by virtue of being a member of Chigwell Parish Council. The Councillor had determined that his interest was pecuniary and would leave the meeting for the consideration of the issue.

### **178. MINUTES**

#### **Resolved:**

(1) That the minutes of the meeting held on 19 May 2014 be taken as read and signed by the Chairman as a correct record.

### **179. REPORTS OF PORTFOLIO HOLDERS**

There were no oral reports from the Portfolio Holders present.

### **180. PUBLIC QUESTIONS**

There had been no questions submitted from the public for the Cabinet to consider.

**181. OVERVIEW AND SCRUTINY**

The Leader informed the Cabinet that there would be no report from the Chairman of the Overview and Scrutiny Committee as it had yet to hold a meeting during the current municipal year.

**182. ANNUAL PROGRESS REPORT ON THE COUNCIL HOUSEBUILDING PROGRAMME - 2013/14**

The Housing Portfolio Holder presented the Annual Progress Report on the Council Housebuilding Programme for 2013/14.

The Portfolio Holder reported that, since its formation in March 2013, the Council Housebuilding Cabinet Committee had considered a range of policies and strategies that would shape the future of the Council's Housebuilding Programme, as well as the feasibility studies for phases 1 and 2 of the Programme. Amongst the documents that had been considered were the Development Strategy, Affordable Rents Policy, Design Standards, as well as policies on procurement, funding and accelerating the Council Housebuilding Programme. The Cabinet Committee had also considered matters such as the prioritisation of sites and the future use of any sites found not to be suitable for development, along with monitoring the risks from the Programme.

The Portfolio Holder stated that planning approval had been granted for four sites in phase I, which would see 23 new properties constructed at a cost of £3.9million. Work on the sites was anticipated to begin in September 2014 with completion approximately 14 months later. For phase II, a planning application would be submitted for 56 new homes at Burton Road, Loughton at a cost of £8.9million. It was anticipated that works would commence in March 2015 with completion in September 2016, if planning permission was granted. In addition, planning permission had been granted for 10 self-contained flats in Marden Close, Chigwell Row and the conversion of Faversham Hall, also in Chigwell, to two 1-bedroomed flats. The works were estimated to cost £610,000 and would begin in July 2014, with completion a year later.

The Portfolio Holder highlighted that significant progress had been achieved in the first twelve months of the Programme, which had laid the foundations for the Housebuilding Programme. As the main policies and procedures were now in place, the focus of the Cabinet Committee would be to consider further feasibility studies, and to monitor progress, expenditure and risks.

The Cabinet congratulated the Cabinet Committee on the progress that had been made and enquired whether there had been an increase in Right-to-Buy purchases and if the Programme was making up the shortfall? The Assistant Director of Housing (Property) reported that there had been 54 Council properties sold under the Right-to-Buy initiative during 2013/14 but the Council had not been able to replace all of those properties at the current point in time. The Housing Portfolio Holder stressed that whenever a possible development was considered by the Cabinet Committee, the relevant ward Councillors had always been invited by letter to attend the meeting and comment upon the proposals. A list of the Council-owned Garage sites being considered for development as part of the Programme would be made available to Members. The Leader welcomed the progress made with the Programme and looked forward to the first occupiers being able to move in to one of the new properties.

**Decision:**

(1) That the Annual Progress Report on the Council Housebuilding Programme for 2013/14 be noted.

**Reasons for Decision:**

The terms of reference required the Cabinet Committee to monitor progress and expenditure of the Council's Housebuilding Programme and report to the Cabinet on an annual basis.

**Other Options Considered and Rejected:**

None, as the report merely noted the progress made with the Programme over the last twelve months.

**183. PROPERTY DISPOSAL - LINDSAY HOUSE, 15 LINDSAY STREET, EPPING**

The Portfolio Holder for Asset Management & Economic Development presented a report on the disposal of Lindsay House at 15 Lindsey Street in Epping.

The Portfolio Holder informed the Cabinet that the Abbeyfield (Epping) Society had surrendered their 125-year lease of Lindsay House as it was surplus to their requirements and they were unable to assign the lease due the restrictive user clause; there were covenants restricting the use of the property to a single dwelling house or a home for elderly persons. The property had been vacant for a number of years and the Society had paid the Council a sum of £7,002 in lieu of external dilapidations. There was current interest from the Theydon Trust to use the property as a house for elderly persons with the addition of social housing, and the property could be suitable for conversion to flats, provided the covenant could be removed. To remove the covenant, the Council would need to either: seek the agreement of the current beneficiary i.e. Epping United Reform Church; consider insurance cover, which was only usually given when the covenant was old and the beneficiary unknown neither of which was applicable in this case; or apply to the Upper Tribunal to release the covenants, however this ran the risk of the Tribunal ordering that compensation should be paid to the current beneficiary.

Therefore, the Portfolio Holder requested the Cabinet to authorise the sale of the Council's freehold interest in principle and a marketing exercise be carried out inviting bids for sale as a single dwelling house or conversion to flats. The Theydon Trust would be invited to bid. In addition, the Portfolio Holder sought authority to consider the results of the marketing exercise and determine the basis on which the property was to be sold, including whether there was any financial benefit to the Council in attempting to remove the covenant, and either approve the highest offer received or seek to remove the covenant. The Director of Governance highlighted to the Cabinet the difficulty in estimating the cost of removing the covenant from the property as it was 'recent' and there was a beneficiary (which also precluded obtaining insurance) but reassured the Cabinet that the Portfolio Holder would be provided with all the relevant and available information when a decision was made.

**Decision:**

(1) That the sale of the Council's freehold interest in Lindsay House (15 Lindsey Street, Epping) on the open market be agreed in principle;

- (2) That a marketing exercise, including an invitation to offer from the Theydon Trust, be undertaken inviting bids based on:
- (a) a sale as a single dwelling; and
  - (b) a conversion of the property to flats;
- (3) That the Portfolio Holder for Asset Management & Economic Development be authorised to:
- (a) consider the results of the marketing exercise and determine the basis on which the property was to be sold against the covenant restricting use of Lindsay House for a single dwelling house or home for elderly persons;
  - (b) consider, in the light of the offers received, if there would be financial benefit to the Council in seeking to remove the covenant and then remarket the property; and
  - (c) approve, subject to (b) above, the highest offer received for the property or seek to remove the covenant.

**Reasons for Decision:**

To receive a valuable capital receipt of approximately £800,000.

**Other Options Considered and Rejected:**

To seek a new tenant within the restrictive user clause permitted by the Covenants.

**184. GREEN BELT REVIEW UPDATE**

The Portfolio Holder for Planning Policy presented a report on the proposed updated methodology for the Green Belt review.

The Portfolio Holder reminded the Cabinet that, in September 2012, the Local Plan Cabinet Committee had agreed to carry out an assessment of the purposes of including land in the Green Belt in the District, to inform the preparation of the new Local Plan. The methodology as agreed considered the purposes of the Green Belt, as identified in National Planning Policy Guidance, and was to be applied to "*all the potential areas for growth put forward in the Community Choices consultation (Issues and Options) and any additional areas considered to be reasonable that may be submitted during the consultation period*" (report LPC-004-2012/13, paragraph 9 refers).

The Portfolio Holder reported that, since then, the outcomes of Local Plan and core strategy examinations in public had indicated that Inspectors expected a comprehensive review of the Green Belt to be undertaken before the release of Green Belt land was considered. Therefore, this revised methodology reflected the need for a comprehensive Green Belt Review of the District, considering the contribution each area made to the nationally identified purposes of the Green Belt.

The Portfolio Holder added that emerging national experience of the duty to co-operate indicated that Green Belt land was a cross-boundary issue in which it was important to involve adjoining authorities when any review was contemplated. The updated approach therefore identified a number of bodies who would be invited to engage in the review, through appropriate mechanisms.

In respect of the questions used to assess parcels of Green Belt land against the National Purposes, concerns were raised about section 3, questions to assist in safeguarding the countryside from encroachment, as it was felt that work had already been carried out in this area. The Portfolio Holder agreed but added that the analysis had to be now performed for the whole of the District and not just certain areas. The Council's consultant from Fortismere Associates added that any parts of the Green Belt considered for development would then need to move to stage two. In respect of question 3(c), it was highlighted that grade III agricultural land would also be identified but that the higher grade I or II agricultural land would carry more weight.

The Portfolio Holder agreed that it was important for the Town and Parish Councils to be consulted and involved with the process, and undertook to share the results of the high level review with local councils prior to undertaking the final detailed assessment stage. The Portfolio Holder reassured the Cabinet that all studies would be published to the Council's website when they were produced, and that the definition of comprehensive was that the whole District had to be examined, including the forest land. The review would be field-led, although initial desktop analysis using GIS would give an indication of the land. It would be possible to provide Members with a more detailed version of the map published at the end of the proposed revised methodology if requested.

**Decision:**

- (1) That the methodology of the review of the Green Belt be amended to reflect the results of the high level review being shared with the Town and Parish Councils prior to undertaking the final detailed assessment stage; and
- (2) That the updated and comprehensive approach to the review of the Green Belt, as set out at Appendix 1 of the report and revised as set out in (1) above, be agreed in order to inform the Local Plan.

**Reasons for Decision:**

To agree an updated approach to undertaking a Green Belt review in the District, in the light of the outcomes of recent Examinations in Public into Local Plans, and emerging good practice and wider experience in carrying out the Duty to Co-operate.

**Other Options Considered and Rejected:**

To not agree an updated approach and comprehensive assessment. However, this would risk the work carried out being found unsound by an Inspector, and prejudicing the Local Plan as a whole.

**185. BALDWINS HILL CONSERVATION AREA CHARACTER APPRAISAL AND ARTICLE 4 DIRECTION**

The Portfolio Holder for Safer, Greener and Transport presented a report on the Baldwins Hill Conservation Area Character Appraisal and Article 4 Direction.

The Portfolio Holder reminded the Cabinet that, by law, local planning authorities were required to determine areas of special architectural or historic interest and designate them as conservation areas. The Local Planning Authority should also publish proposals for the preservation and enhancement of these areas. The proposals should take the form of conservation area management plans, and it was considered best practice to accompany these management plans with character

appraisals which charted the history of an area, the reasons for its designation, and the key elements of its special interest. Character appraisals often preceded management plans as they provided the knowledge and understanding required to inform the creation of a successful and meaningful management plan.

The Portfolio Holder stated that the Baldwins Hill Conservation Area Character Appraisal and Management Plan had been prepared following due process and was now ready to be adopted and published for use by the general public (particularly residents), the Council's Development Management Team and any other interested parties. Once adopted, the documents would become a material consideration in the planning process and would inform the decisions made relating to proposed developments within the conservation area.

The Portfolio Holder also sought approval to extend the conservation area boundary and for the implementation of an Article 4 Direction to cover the conservation area. An Article 4 Direction restricted specified classes of permitted development rights (i.e. the rights homeowners had to carry out some development works without planning permission) and was an extremely useful tool in managing change in conservation areas.

A local Member for Loughton St John's welcomed the report and was pleased to see the Potato Ground allotments had been included within the Conservation Area. Loughton Town Council supported the recommendations within the report and all Members were urged to be proud of the District's conservation areas. The Portfolio Holder was asked if there were any risks to making an Article 4 Direction, to which the response was the potential for claims for compensation, but these were very rare and the permitted circumstances were listed in the report.

**Decision:**

- (1) That the adoption and publication of the Character Appraisal and Management Plan for the Baldwins Hill Conservation Area in Loughton be approved;
- (2) That the proposed extension to the Baldwins Hill Conservation Area boundary be approved; and
- (3) That, to restrict the permitted development rights as set out in Appendix 2 of the report, the making of an Article 4 Direction pursuant to Article 4(1) and Article 6 of the General Permitted Development Order covering the Baldwins Hill Conservation Area be authorised.

**Reasons for Decision:**

To comply with the provisions of Sections 69 and 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

To permit the development of such designated areas to be managed more effectively and allow the Council to preserve and enhance the special interest of the area.

**Other Options Considered and Rejected:**

To not publish the character appraisal and management plan for the Baldwins Hill area. However, the Council would not be fulfilling one of its statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as making planning decisions within this area more difficult to defend at appeal.

**186. PROPERTY TRANSFER - VICTORY HALL, HAINAULT ROAD, CHIGWELL**

The Portfolio Holder for Asset Management and Economic Development presented a revised report regarding the transfer of Victory Hall in Hainault Road, Chigwell to Chigwell Parish Council.

The Portfolio Holder stated that the current lease for Victory Hall would expire in 2019 and Chigwell Parish Council had applied for the land to be transferred to them for nil consideration. It was understood that this would provide new community facilities on the land including that in Essex County Council's ownership. In the event of commercial or residential development the District Council's financial position would be protected by suitable claw back provisions.

The Portfolio Holder informed the Cabinet that at the time of the original Cabinet decision on 7 April 2014, Site B shown on the attached plan was thought to be owned by Essex County Council. However, after further clarification it had been found to be in the District Council's ownership. Thus, Site B was now proposed to be included in the proposed transfer to Chigwell Parish Council and the revised report regularised the position. It was confirmed that Site E was in the ownership of Essex County Council.

**Decision:**

- (1) That, following the decision to transfer the Council's freehold interest in Sites A and C on the attached plan to Chigwell Parish Council, Site B on the plan should also have been included in the transfer be noted;
- (2) That the Council's freehold interest in Sites A and B on the attached plan be transferred to Chigwell Parish Council for nil consideration, subject to a claw back provision if commercial or residential development of either site was proposed;
- (3) That the Council's maintenance liability for the car park and access road on Site A and B be extinguished on transfer;
- (4) That the Council's legal interest in Site C be transferred to Chigwell Parish Council subject to a claw back provision as with Site A and B; and
- (5) That the Director of Governance in consultation with the Portfolio Holder for Asset Management & Economic Development be given delegated authority to negotiate and agree the final terms.

**Reasons for Decision:**

To provide enhanced community facilities in Chigwell and deal with a discrepancy in the original report considered by the Cabinet.

**Other Options Considered and Rejected:**

To negotiate a new lease with the Trustees of Victory Hall for life expired buildings, however this would lose the opportunity for a comprehensive scheme with the adjoining land.

**187. CORPORATE PLAN KEY OBJECTIVES - 2013/14 OUTTURN**

The Leader of the Council presented a report on the outturn of the Key Objectives in the Council's Corporate Plan for 2013/14.

The Leader stated that the Corporate Plan was the Council's key strategic planning document, setting out its priorities over the four-year period from 2011/12 to 2014/15, with strategic themes reflecting those of the Community Strategy for the District. Updates to the Corporate Plan were published annually, to reflect the key objectives for each year of the plan period and progress against the achievement of objectives for previous years. The key objectives were intended to provide a clear statement of the Council's overall intentions for each year, and were supported by a range of actions and deliverables designed to achieve specific outcomes. A range of key objectives for 2013/14 were adopted by the Cabinet in March 2013 and progress was reviewed by the Cabinet and the Overview and Scrutiny Committee on a quarterly and annual basis.

The Leader reported that a total of 54 deliverables and actions had been identified to support the achievement of the nine key objectives. At the end of the municipal year, 23 (42.6%) had been completed or achieved, another 20 (37%) had not been completed but revised target completion dates had been identified for 15 of these actions, and a further 11 (20.3%) had been deferred as a result of external circumstances.

**Decision:**

(1) That the outturn progress and performance in relation to the Corporate Plan Key Objectives for 2013/14 be noted.

**Reason for Decision:**

To monitor progress against the achievement of the Council's Key Objectives during 2013/14.

**Other Options Considered and Rejected:**

None, as failure to monitor and review the Council's performance, and take corrective action where necessary, could have negative implications for the Council's reputation.

**188. ANY OTHER BUSINESS**

The Cabinet noted that there was no other urgent business for consideration.

**CHAIRMAN**