

Report to the Cabinet

Report reference: C-014-2015/16

Date of meeting: 21 July 2016



**Epping Forest
District Council**

Portfolio: Leisure and Community Services

Subject: Hillhouse Master Plan and Development Scheme - Waltham Abbey

Responsible Officers: Alan Hall (01993 564004).

Derek Macnab (01992 564050).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations:

(1) That the Hillhouse Master Plan, produced by Essex Housing and JTP Consultants on behalf of the Council, Essex County Council (ECC) and NHS England (available as a Background Paper to this report, summarised in the Concept Illustrative Master Plan in the attached Appendix) be endorsed;

(2) That approval be given to the Council being a party to the submission of an Outline Planning Application by Essex Housing, on behalf of the Council, ECC and NHS England, and to the Council's expenditure for its share of the costs of preparing the Outline Planning Application;

(3) That approval be given to the Council contributing an appropriate amount, through the Council's new leisure management contractor, towards the overall financial contribution required from the three key partners towards the provision of alternative sports/recreation facilities elsewhere in Waltham Abbey, in order to compensate for the loss of informal recreation space at Hillhouse and to enable the proposed development to proceed; and

(4) That the Leisure Management Portfolio Holder Advisory Group be authorised to include a provision, and to determine an appropriate specified amount, within the Invitation to Tender for the Council's Leisure Management Contract, requiring the new leisure management contractor to provide the Council's share of the required financial contribution, referred to in Recommendation (3) above.

Executive Summary

The Council's adopted Leisure and Cultural Strategy 2015-2025 identified a need for the existing Waltham Abbey Swimming Pool to be replaced by a new facility in Waltham Abbey, as well as an opportunity to provide a "community hub" at Hillhouse, Waltham Abbey - with the aim of co-locating health and wellbeing services to improve the quality of life of residents in this area of health inequality. Accordingly, the Council's Key Action Plan for its Corporate Plan includes plans to investigate the feasibility of developing a new leisure/community hub at Hillhouse and to take forward the provision of a replacement swimming pool in Waltham Abbey.

In addition, other statutory partners have identified the needs for: a replacement community space/facility in the locality; the provision of around 240 independent living homes; and a new health centre to replace the existing Doctors Surgery adjacent to the site.

The proposed site comprises land in the ownership of EFDC and ECC, who have worked together with NHS England to develop a Master Plan for the area which, following consultation with local people and key stakeholders, would provide the identified community facilities, whilst retaining around half of the existing playing fields as informal recreation space, and help facilitate alternative sports/recreation to be provided elsewhere in Waltham Abbey.

An Outline Planning Application now needs to be submitted by the three key partners to seek approval to the general principle of development and to the general location and size of the three main components, in order to enable the three partners to progress their individual elements.

Reasons for Proposed Decision

The Council has identified a need to replace its existing swimming pool at Roundhills, Waltham Abbey with a new facility elsewhere in Waltham Abbey. Other statutory partners have also identified the needs for an independent living scheme for older people in the District and a new health centre to replace the existing doctors surgery in Maynard Court.

The site at Hillhouse is in a relatively central, well-populated, part of Waltham Abbey; is no longer used for formal sports activities; the community centre has been closed; and the land is in the ownership of the Council and ECC – all of which presents a good opportunity to provide an integral leisure and community hub for Waltham Abbey.

Cabinet approval is required for submission of an Outline Planning Application by Essex Housing, on behalf of the three key partners.

Other Options for Action:

The main options appear to be:

(a) Not to endorse the Master Plan - but this would result in an Outline Planning Application not being submitted in time for the procurement of the new, long-term, Leisure Management Contract, which would not only significantly increase the financial risks (and therefore costs) of the Leisure Management Contract (in terms of the cost of providing a new swimming pool and the amount of subsidy that the Council would have to continue to provide for the existing swimming pool), it would also lose the opportunity for three much-needed community facilities being provided in a planned and co-ordinated way.

(b) Not to agree to the Council being a party to the Outline Planning Application – however, not only would this result in no Outline Planning Application being made, it would also lead to an un-planned and un-coordinated approach to the development of the Hillhouse area. This, in turn, would mean that the Council would either have to:

- Submit its own Outline Planning Application for the swimming pool only, for which the cost to the Council would be greater than its share of a jointly-funded Outline Planning Application; or
- Wait until the new leisure management contractor is in a position to submit a Detailed Planning Application, which would introduce a significant risk to the Council in terms of the

increased costs for the Leisure Management Contract, due to the uncertainty over the receipt of planning permission and potential abortive costs for the Detailed Planning Application.

(c) Not contributing an appropriate amount towards the provision of alternative sports/recreation facilities elsewhere in Waltham Abbey – however, this would undoubtedly result in an objection to the planning application by Sport England. Since it is a statutory consultee, if planning permission was granted by the Council, such an objection would trigger the application being referred to the National Planning Casework Unit, which could result in the application being called in for determination by the Secretary of State, on the recommendation of a planning inspector. This would not only delay the development and remove the required certainty for the Leisure Management Contract, it could also result in any Outline Planning Permission being overturned and refused by the Secretary of State.

(d) Not authorising the Leisure Management Portfolio Holder Advisory Group to include provision within the Invitation to Tender for the Council's Leisure Management Contract for the Council's share of the required financial contribution – however, if provision is not made for the new leisure management contractor to make the payment, funded through its tender submission, the Council would still need to meet the cost and make appropriate budgetary provision for the payment.

Report:

Introduction

1. In 2014, the Council adopted its Leisure and Cultural Strategy 2015-2025. The purpose of the Strategy is to *“provide a policy focus for EFDC in its role in supporting the future provision of leisure and cultural opportunities, to meet the needs of residents and visitors to the District”*. The Strategy's stated overarching aim is *“to increase the number and frequency of people participating in leisure, cultural and community activities, by ensuring that local provision is accessible and of the highest affordable quality.”*

2. The Strategy identified that Waltham Abbey Swimming Pool in Roundhills has effectively reached the end of its viable life and that it would not make economic sense to spend the required £1million+ investment to refurbish a building that is almost 50 years old, especially given inherent problems with its layout. Moreover, the Council's costs and subsidy to the current leisure management contractor to operate the existing swimming pool is around £550,000 per annum. The Strategy therefore recommended that the swimming pool be deemed to have reached the end of its viable life and be replaced by a new facility in Waltham Abbey.

3. The Strategy also identified an opportunity to provide a “community hub” in the Hillhouse area of Waltham Abbey and recommended that the potential for such a community hub at this location be positively explored, with the aim of co-locating health and wellbeing services to improve the quality of life of residents in this area of health inequality.

4. Accordingly, the Council's agreed Corporate Plan Action Plan for 2016/17 includes the following two actions to meet the Council's Corporate Plan Objective (ii)(c), which is:

“To deliver the Council's new Leisure and Cultural Strategy, in order to maximise participation and value for money in the provision of leisure and cultural services to local residents and visitors:

- *Work in partnership with Waltham Abbey Town Council to investigate the feasibility of developing a new leisure/community hub at Hillhouse, Waltham Abbey.*

- *As part of the competitive dialogue procurement process for the new Leisure Management Contract, take forward the provision of a replacement swimming pool in Waltham Abbey.”*

5. In order to progress these aims, provision was included within the Council’s Local Plan Budget to fund the Council’s share of the costs to formulate a Master Plan for the Hillhouse area, in partnership with Essex County Council (ECC) and NHS England.

The Hillhouse Master Plan

6. The proposed development site at Hillhouse is in a relatively central, well-populated, part of Waltham Abbey; is no longer used for formal sports activities; the community centre has been closed; and the land is in the ownership of the Council and Essex County Council – all of which presents a good opportunity to provide an integral leisure and community hub for Waltham Abbey.

7. The site currently comprises the following three areas, to the west and north-west of the Hillhouse shopping parade (which does not comprise part of the proposed development area):

- Playing fields to the north (owned by ECC) - 1.72ha;
- Playing fields to the south (owned by EFDC) - 1.44ha; and
- The Hillhouse Community Centre and a circular car park (both owned by EFDC, with Waltham Abbey TC being the long leaseholders of the Community Centre) to the south-east of the playing fields.

8. In addition to the Council’s identified need to re-provide the existing Waltham Abbey Swimming Pool;

- Waltham Abbey Town Council has closed the Hillhouse Community Centre, that it leases from EFDC, because it is in a poor and unlettable condition – which it does not intend to re-open and for which it wants to surrender its lease with EFDC;
- ECC has identified a shortfall/need for around 240 independent living homes, of different tenures, within the Epping Forest District; and
- NHS England has identified that the existing Maynard Court Doctors Surgery (that currently occupies two EFDC ground floor flats adjacent to the development area) has outgrown its current premises and will soon no longer be fit for purpose.

9. Since EFDC and ECC own the land forming the development area, and in view of the identified needs set out above, EFDC, ECC and NHS England has worked together to develop a Master Plan for the area comprising:

- A new leisure centre and swimming pool to replace the existing Waltham Abbey Swimming Pool at Roundhills - with a 25m pool with 6 lanes, plus a learner pool, a studio for movement/dance activities, and a multi-use community space;
- An Independent Living (sometimes referred to as Extra Care) Scheme - providing 1 and 2 bedroom self-contained flats for people over 55 years of age with identified care and support needs, and access to services to meet residents’ individual care needs, as well as having a range of communal social spaces;

- A new health centre providing new, modern accommodation, to replace the existing Maynard Court Doctors Surgery - to enable a wider range of health services to be provided for the benefit of the local community and to provide an opportunity for the practice to increase GP and nurse training on site;
- The retention of around half of the existing playing fields as informal recreation space; and
- The provision of an appropriate level of financial contribution towards alternative sports/recreation provision to be provided elsewhere in Waltham Abbey, to compensate for the loss of informal recreation space at Hillhouse.

10. Since the development comprises three separate partners, it was agreed that Essex Housing would act as development agent for the project, appointing and co-ordinating the work of the various consultants to formulate a Master Plan for the area. Essex Housing is part of ECC, formed through the Essex Public Land Project, which has been sponsored and led by EFDC's Chief Executive since its inception.

11. Two of the key requirements for the development of the Master Plan were that:

- it must be designed to enable each partner to develop out their scheme separately, if one or more of the other components of the scheme do not come to fruition, and to take account of different development timescales; and
- if possible, in order to aid the effective and smooth delivery of the key components, EFDC's new swimming pool should be located on EFDC's own land and ECC's new Independent Living Scheme should be located on ECC's own land.

12. Throughout the process, Waltham Abbey Town Council has been consulted and kept informed of progress with the proposals and the development of the Master Plan.

13. Following a competitive tendering exercise, JTP Consultants were appointed as the main consultants to produce the Master Plan, with other consultants appointed to undertake the required topographical, transport/highways, arboricultural, geo-technical and ecological surveys, as well as to produce the required open space assessment/statement and flood risk report.

14. An important part of the formulation of the Master Plan was to consult, and to seek the views of, the local community on the proposals. This comprised three main approaches:

- In February 2016, JTP organised and facilitated a Stakeholder Workshop, which was attended by representatives from the three key partners, and included EFDC members, Waltham Abbey Town Council, Ninefields Residents Panel, Roundhills Residents Association and GPs from Maynard Court Surgery;
- JTP also met separately with: Waltham Abbey Swimming Pool staff; Epping Forest Swimming Club Committee; other Waltham Abbey Swimming Pool users; Hillhouse Primary School Council; shopkeepers from the Hillhouse shops; and shoppers using the shopping parade.
- Over the weekend of 18/19 March 2016, following leaflets being distributed to local residents, JTP held a Community Planning Weekend comprising an exhibition on the basic proposals and participatory workshops - where local people were invited to explain any concerns and aspirations that they had about the proposals, and to put

forward suggestions about how the three main components could best be provided on the site, together with any other proposals. Around 140 people attended the exhibition and community planning workshops.

15. JTP then collated all the information obtained from the key partners, key stakeholders, Community Planning Weekend and consultants' reports to formulate the Master Plan, which was jointly funded by the three key partners and published in early July 2016.

16. A copy of the Master Plan is available on the Council's website, and is available as a Background Paper to this report. A copy of the Concept Illustrative Master Plan is attached as an Appendix, which summarises the outcome of the masterplanning process and demonstrates how the proposed facilities and associated car parking can be accommodated on the site, whilst respecting the views from existing homes and retaining substantial open space for recreation. It positions:

- The proposed new swimming pool / leisure centre on EFDC's land to the south of the site, with its entrance facing the existing shopping parade, so that businesses in the parade can benefit from increased exposure to footfall and passing trade;
- The new health centre on ECC's land to the north of the site; and
- The independent living scheme also on ECC's land to the north of the site, adjacent to the new health centre.

17. The Master Plan also illustrates some ideas for the retained open space, such as the enhancement of the area alongside the stream and the potential for the provision of a play area, with new footpaths included to improve pedestrian access to such facilities and to create a circular route or trim trail, with stations for outdoor gym equipment along the way. Shallow attenuation basins would form an integral part of the informal landscaped areas to both the north and south of the scheme.

18. The provision of the new health centre would also result in the Council's two ground floor flats, currently accommodating the Doctors Surgery, being made available to applicants registered on the Council's Housing Register in need of affordable rented housing.

Procurement of EFDC's new Swimming Pool / Leisure Centre

19. The procurement of the Council's new Leisure Management Contract is being undertaken through a formal competitive dialogue process, overseen by the Council's Leisure Management Portfolio Holder Advisory Group. As part of the Leisure Management Contract, the new leisure management contractor will be asked to construct the new swimming pool and associated facilities. As part of the competitive dialogue, tenderers have already been asked to provide indicative design proposals for consideration.

20. One of EFDC's key and urgent drivers for the Master Plan is to "de-risk" the cost of the Council's Leisure Management Contract, by giving some certainty to the leisure management contractors who will be tendering for the contract over the location and acceptance, in town planning terms, of the proposed new swimming pool, before they submit their tenders.

Outline Planning Submission

21. The next stage in the process is for the three key partners to submit an Outline Planning Application for the development of the area, in general accordance with the Master

Plan, which Essex Housing is co-ordinating and JTP are drafting.

22. The purpose of the Outline Planning Application is to seek approval to the general principle of development and the general location and size of the three key components, to enable the three key partners to progress their individual elements. There are some risks to successfully receiving planning permission, and the delivery of the development itself, which are set out in the Risk Management section at the end of this report.

23. In view of the need to obtain certainty (in order to de-risk the costs to EFDC's Leisure Management Contract, as outlined above), work had to commence and consultants had to be commissioned in June 2016, to ensure that the submission deadline of August 2016 is met. This is to enable the District Development Management Committee to be able to determine the planning application in November 2016, in advance of the final tender submissions for the Leisure Management Contract.

24. As with the Masterplanning exercise, the total costs of preparing and submitting the Outline Planning Application (estimated at £118,000) are again able to be shared between the three key partners, with EFDC's share being around £57,000. Part of the Council's cost will be offset by the £10,700 planning application fee that it will receive to process and determine the planning application. Sharing the costs of undertaking the required surveys reports with the other partners at the Outline Planning Permission stage also reduces the costs that would otherwise have to be met solely by the Council, for the same work, at the Detailed Planning Application stage. The earlier report on the agenda for this Cabinet on the current position with the Local Plan includes the required budget provision to meet the Council's costs for the Outline Planning Application.

25. Once Outline Planning Permission has been received, the three key partners will then be responsible for obtaining Detailed Planning Permission and to procure, fund and deliver their own facility on the site.

Resource Implications:

EFDC's share of the estimated costs of preparing/submitting the outline planning application - £57,000 (part of which is offset by the £10,700 planning application fee that EFDC will receive).

EFDC's potential share of the financial contribution towards alternative sports/recreation in Waltham Abbey – still to be determined, but likely to be around £90,000.

The provision of the new swimming pool is expected to significantly reduce, or eliminate, the need for the Council to pay the current subsidy of around £550,000 per annum to its new leisure management contractor over the period of the Leisure Management Contract - which, in the long term, is expected to cover the capital costs of constructing the new swimming pool.

Legal and Governance Implications:

The Council's adopted Leisure and Cultural Strategy 2015-2025 set out the strategic direction for the proposals and the Council's involvement, which has been confirmed within the Council's Corporate Key Action 2016/17.

An Officer Project Team, led by the Council's Director of Communities, with representation from each of the three key partners (including the Council's Chief Executive, Director of Neighbourhoods and Assistant Director - Development Management and Conservation) has

been progressing the detailed arrangements for the Master Plan and the Outline Planning Application.

The Council’s Leisure Management Portfolio Holder Advisory Group has been responsible for overseeing the procurement of the Council’s new Leisure Management Contract, through a formal competitive dialogue process.

Safer, Cleaner and Greener Implications:

At the Detailed Planning Application, the detailed design of the various facilities will have regard to the need to “design out” and reduce the potential for crime. The independent living scheme will also provide a safe and secure living environment for older people with care and support needs.

Although the development will result in the loss of some informal recreational space, provision is being made within the proposals to compensate this loss, through the provision of alternative sports/recreation facilities elsewhere in Waltham Abbey.

The new facilities being provided will benefit from increased energy efficiency and improved environmental measures.

Consultation Undertaken

As set out in Paragraph 14 above.

Background Papers:

Hillhouse Master Plan – July 2016

Risk Management:

The following key risks to the development scheme, and to the Council in particular, have been identified, with the approaches taken to mitigating the risks listed below:

Risk	Mitigation
Increase in the cost of preparing and submitting the Outline Planning Application	Fixed prices have been obtained from the various consultants, so only additional unforeseen costs should incur additional expenditure.
An objection to the outline planning application being made by the Environment Agency, resulting in the refusal of planning permission, due to most of EFDC’s land being within Flood Risk Area 2	Flood assessment consultants were commissioned as part of the Master Plan process, to identify and quantify the risks, undertake the sequential test required by the NPPF and to identify measures to mitigate the risk of flooding.
When built, the new swimming pool experiences	The consultant’s flood risk assessment has identified and assessed the need to increase the floor level of the

fluvial or surface water flooding due to its proximity to Cobbins Brook	swimming pool by a specified height, to minimise the risk of flooding.
Outline or Detailed Planning Permission is not granted	This is the reason for formulating a Master Plan, which has been developed following consultation with local people and key stakeholders, and for submitting an Outline Planning Application.
Cabinet does not agree to the Council being a party to the Outline Planning Application	A stop could be put on the work being undertaken by the consultants to prepare the Outline Planning Application, the day after the Cabinet meeting. However, it would result in the Council and other partners still incurring most of the costs anyway, as abortive costs. Moreover, the other partners may look to the Council to re-imburse them for their abortive costs, as a result of the Council's decision.
If Outline Planning Permission is granted, the decision is referred to the National Planning Casework Unit due to an objection from a statutory consultee, which potentially could result in the application being called in for determination by a planning inspector or the Secretary of State.	<p>The Master Plan process included:</p> <ul style="list-style-type: none"> • A flood risk assessment to identify and quantify the flooding risks, undertake the sequential test required by the NPPF and identify measures to mitigate the risk of flooding, which should reduce the risk of objections from the Environment Agency; • A highways/transport assessment to ensure that the proposals meet with highways requirements; and • The identification of the need to contribute an appropriate amount towards the provision of alternative sports/recreation facilities elsewhere in Waltham Abbey, in order to compensate for the loss of informal recreation space.
Risks associated with the procurement and construction of the new swimming pool.	These are being identified, assessed, managed and mitigated through the work of the Leisure Management Portfolio Holder Advisory Group

Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **unlawful discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

The Community Planning Weekend was used by the Council to pilot an equality and diversity exercise to capture data on the protected characteristics of those local people taking part, which has assisted in understanding the characteristics of those participating in the exercise.

The rationale for ECC pursuing the proposed independent living scheme for older people with care and support needs is based on a formal evaluation of the needs and demands of those older people with the protected characteristic of having disabilities who also, due to their age and circumstances, have difficulty in accessing such specialist accommodation themselves. ECC's proposed approach to offer the scheme with multi-tenures (i.e. affordable rented, market and shared ownership housing) increases the potential supply to meet the varying needs of this client group.

The proposed new health centre will also provide improved physical access to better health facilities, that will benefit a range of people with different protected characteristics, including: those with disabilities; patients with a range of ages (from young children to older people); pregnant women and, potentially, gender re-assignment.

An important part of the Outline Planning Application will be the Design and Access Statement, which will articulate, in general terms, how the various proposed facilities will be physically accessed - which will have particular benefit and regard to those with disabilities (including older people) and pregnant women who may be less mobile due to their condition.

It should be noted that detailed equality impact assessments will be undertaken by the three key partners in due course, through the development of their provision for the individual facilities that they will be developing themselves, should Outline Planning Permission be granted.