



Epping Forest District Council

DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE Wednesday 13th December 2023

You are invited to attend the next meeting of **District Development Management Committee**, which will be held at:

Council Chamber - Civic Offices
on **Wednesday 13th December 2023 at 7.00 pm**

Georgina Blakemore
Chief Executive

Democratic Services Officer: L Kirman Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members: Councillors P Keska (Chairman), T Matthews (Vice-Chairman), C Amos, R Baldwin, H Brady, L Burrows, I Hadley, S Heap, S Heather, H Kane, H Kauffman, R Morgan, C C Pond, K Williamson and J M Whitehouse

SUBSTITUTE NOMINATION DEADLINE 18:00

This meeting will be broadcast live and recorded for repeated viewing.

1. WEBCASTING INTRODUCTION

This meeting is to be webcast and the Chairman will read the following announcement:

"I would like to remind everyone present that this meeting will be broadcast live to the internet and will be capable of repeated viewing. Therefore by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on Microsoft Teams do not wish to have their image captured they should ensure that their video setting throughout the meeting is turned off and set to audio only.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.

Members are reminded to activate their microphones before speaking."

2. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES (Pages 4 - 5)

General advice for those persons attending the meeting of the Committee is attached as an Appendix to this agenda.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the [Members Portal webpage](#) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the [Council's website](#), at the bottom under 'Contact Us'.

4. SUBSTITUTE MEMBERS

To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

6. MINUTES (Pages 6 - 7)

To confirm the minutes of the meeting of the Committee held on 9 August 2023.

7. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

8. SECTION 106 DEED OF VARIATION (Pages 8 - 13)

(Service Manager – Development Management) To consider the attached report for a Deed of Variation at:

- Former School, Centrepont Building and Council Depot Land at St John's Road, Epping, CM16 7JU; and
- Civic Offices and Car Park, 323 High Street, Epping, CM16 4BZ

9. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972 requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

10. 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):

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
Nil	None	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

(Team Manager – Democratic & Electoral Services) Article 17 (Access to Information) of the Constitution defines 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 one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

Agenda Item 2

Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can view the webcast on the Council's website at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via Zoom or in person at the Civic Offices. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: Only one objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application, but you must bear in mind that you are limited to **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices, or will be admitted to the meeting virtually via Zoom. Speakers must NOT forward the Zoom invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: democraticservices@eppingforestdc.gov.uk

Can I give the Councillors more information about my application or my objection?

Yes, you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website <https://www.eppingforestdc.gov.uk/> Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee 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.

Further Information

Further information can be obtained from Democratic Services.

Agenda Item 6

EPPING FOREST DISTRICT COUNCIL DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE MEETING MINUTES

Wednesday 9 August 2023, 7.00 pm - 7.20 pm

Council Chamber - Civic Offices

Members Present:	Councillors P Keska (Chairman), T Matthews (Vice-Chairman), C Amos, H Brady, L Burrows, I Hadley, S Heather, H Kane, R Morgan, K Williamson, J M Whitehouse and C Nweke
Members Present (Virtually):	Councillors
Apologies:	Councillor(s) R Baldwin, S Heap, H Kauffman and C C Pond
Officers In Attendance:	N Richardson (Service Director (Planning Services)), G Woodhall (Team Manager - Democratic & Electoral Services) and S Mitchell (PR Website Editor)
Officers In Attendance (Virtually):	N Finney (Interim Implementation Team Manager) and A Buckley (Higher Level Apprentice (Internal Communications))

[A RECORDING OF THE MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

13 WEBCASTING INTRODUCTION

On behalf of the Chairman, the Team Manager for Democratic & Electoral Services 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.

14 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 members of the public to address the Committee in relation to the determination of applications for planning permission.

15 SUBSTITUTE MEMBERS

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

- (a) Councillor C Nweke for Councillor R Baldwin.

16 DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Members' Code of Conduct, Councillor J M Whitehouse declared a personal interest in the following item of the agenda by virtue of living close to the St John's Road site. The Councillor had determined that his interest was non-pecuniary and he would remain in the meeting for the consideration of the application and voting thereon:

- Section 106 Deed of Variation.

17 MINUTES

RESOLVED:

- (1) That the minutes of the meeting of the Committee held on 19 April 2023 be taken as read and signed by the Chairman as a correct record; and
- (2) That the minutes of the meeting of the Committee held on 28 June 2023 be taken as read and signed by the Chairman as a correct record.

18 SITE VISITS

There were no formal site visits requested by the Committee.

19 SECTION 106 DEED OF VARIATION

The Deed of Variation application to amend the cross-site Section 106 Legal Agreement which linked the delivery of the development previously agreed on the St John's Road site with the development previously agreed on the Baker's Lane Site by replacing the words 'Substantial Delivery' with the words 'Committed Delivery' including a definition of 'Committed Delivery' within Epping be approved.

20 ANY OTHER BUSINESS

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

21 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

Agenda Item 8

OFFICER REPORT

Application Ref: N/A (related to: EPF/0917/21; EPF/0919/21)

Application Type: S106 Deed of Variation

Applicant: Qualis Commercial Ltd

Case Officer: Nick Finney

Site Address:

- Former School, Centrepoint Building and Council Depot Land at St John's Road, Epping, CM16 7JU
- Civic Offices and Car Park, 323 High Street, Epping, CM16 4BZ

Proposal: S106 Deed of Variation

Ward: Epping Lindsey and Thornwood Common

Parish: Epping Town Council

View Plans: n/a

Recommendations

Approve Deed of Variation





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Reason For Presenting to Committee

This application is before this committee since it proposes a ‘major’ development where the Council is a landowner as defined in Article 10 of the Constitution.

The sites have been transferred from Council ownership to Qualis Commercial Ltd, however given that this is a wholly owned company of the Council, the proposal is considered to meet the DDMC terms of reference.

Relevant Planning History

The relevant planning history to this proposal is the five planning applications submitted by Qualis Commercial Ltd for development in Epping town centre comprising:

- Civic Offices, Conder Building and Car Park / EPF/0919/21 / Approved 25.02.22
 - The redevelopment of the existing office building and car park. Demolition of the existing office building and alterations to connection to existing Listed Civic Centre. Development to comprise new apartment buildings and houses to provide a mix of residential units (Use Class C3), revised vehicular and pedestrian access from High Street, all associated car and cycle parking, servicing, hard and soft landscaping and associated works.
- Former School, Centrepoint Building and Council Depot Land at St John's Road / EPF/0917/21 / Approved 25.02.22

- Redevelopment of the former school buildings and depot. Demolition of five buildings and the retention of three locally listed buildings. Development to comprise 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. 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, servicing, hard and soft landscaping and associated works.
- Bakers Lane Car Park / EPF/2924/20 / Approved 25.02.22
 - Full application for the redevelopment of existing surface level car park to provide a leisure centre to include swimming pool, gymnasium, sports hall, squash courts and studio (mixed Class E (d) and F.2 (d)) together with disabled parking provision, new vehicular and pedestrian access, all hard and soft landscaping, and associated works.
- Cottis Lane Car Park / EPF/2925/20 / Approved 25.02.22
 - Full application for the redevelopment of existing surface level car park 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.
- Epping Sports Centre / EPF/0918/21 / Approved 25.02.22
 - Redevelopment of existing Sports Centre and car park. Demolition of existing Sports Centre. Development to 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 five sites were considered collectively for the purposes of the planning assessment undertaken during their determination. As a result, a number of linkages between the developments were established (and secured via a cross-site s106 Legal Agreement) to ensure the appropriate sequencing of development and that the objectives of the site allocations within the Local Plan were secured.

Description of Proposal

Section 106A of the Town and Country Planning Act 1990 (as amended) states that a planning obligation can be modified or discharged by agreement (at any time) between the appropriate authority and the person or persons against whom it is enforceable. The variations to the previously agreed s106's are set out in relation to each site below:

Site-specific S106 – Civic Offices and Car Park, 323 High Road, Epping, CM16 4BZ

The variation comprises:

- Remove all obligations relating to the provision of onsite affordable housing.
- Retain late-stage viability review only.

The effect of the change on affordable housing numbers is set out in the table below:

Total Existing Agreement	45 units	Total Proposed	45 units
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Affordable Units	11 units (24.4%)	Affordable Units	0 units (0%)
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Site-Specific S106 – Former School, Centrepoint Building and Council Depot, Land at St John’s Road, Epping, CM16 7JU

The variation comprises:

- Variation to the triggers for each of the contributions/payments secured under the S106 so that they are due on a phased and ‘pro rata’ basis (i.e., block-by-block, based on the number of units within that phase or block). This applies to County and District Council contributions/payments.
- Reduce the provision of onsite affordable housing from 25% to 17%. This equates to 32 affordable homes to be provided. It is proposed that the units are location within Block E in a mix of one-bed and two-bed apartments equating to a total of 44 bedrooms.

The effect of the change on affordable housing numbers is set out in the table below:

Total Existing Agreement	184	Total Proposed	184
Affordable Units	46 (25%)	Affordable Units	32 (17.39%)

Main Issue and Consideration

Affordable Housing Requirements

In the adopted Epping Local Plan, Policy H2 requires sites of 11 or more homes, or residential floorspace of more than 1,000 sq m to provide 40% of those homes as affordable housing. The affordable housing targets and tenures are however subject to viability.

It should also be noted that in accordance with paragraph 64 of the National Planning Policy Framework 2023, ‘Vacant Building Credit’ is applicable to the St John’s Road site which reduces the policy compliance affordable housing obligation from 40% to 34%. This calculation is set out in detail in the original applications committee report.

Policy H2 of the Local Plan requires proposals that do not accord with the policy must provide a financial and viability appraisal which is transparent and complies with the relevant national or local guidance application at the time.

The S106 Legal Agreements (dated: 22 February 2022) require that these developments each provide 25% affordable housing, with a tenure split of 80:20 between affordable/social rent and intermediate housing. The reduction from the policy compliant level was agreed due to the viability evidence provided and accepted at the time of the applications determination.

Both agreements have a Late Stage Viability Review mechanism that allows the viability status of the development to be reviewed at a point when 85% of the development has been sold. If this shows a positive change in the scheme viability there are mechanisms for the policy compliant affordable housing deficient to be made good. There is no proposal to change this obligation.

Viability

Due to current economic conditions, with rising inflation (affecting the cost of materials and labour) and rising interest rates, the applicant is currently facing an increase in the cost that

is causing a severe viability challenge. The corresponding increase in development values does not compensate for the increase in costs that have been experienced.

As a result the reductions in affordable housing levels have been proposed and the applicant instructed Carter Jonas instructed to prepare viability assessments for both sites.

The viability assessments are in keeping with previous submissions made in relation to these developments. Our independently engaged viability consultants have for comparison applied revised indexed costs and values to the previous appraisals on these sites which confirm that costs increases have outstripped value indices resulting in unviability of the development in its current form.

As per Planning Policy Guidance (PPG) on viability (paragraph 13), which was updated 09 May 2019, Benchmark Land Value (BLV) should be established based on the Existing Use Value of the land, plus a premium for the landowner.

- **Civic Offices** viability assessment scenarios:
 - Scenario 1 – provision of 40% affordable housing (policy compliant) would lead to a residual land value of -£3,551,196, where the BLV for the site is £2,028,000, leading to a project deficit of **-£5,579,196**.
 - Scenario 2 – provision of 0% affordable housing (proposed) would lead to a residual land value of -£409,847, where the BLV for the site is £2,028,000, leading to a project deficit of **-£2,437,847**.
 - Therefore, both scenarios will lead to a project deficit.

Civic Offices			
	Residual land value (£)	Benchmark land value (£)	Project surplus / Deficit (£)
40% Affordable Housing (<i>policy compliant</i>)	-£3,551,196	£2,028,000	-£5,579,196
0% Affordable Housing (proposed)	-£409,847	£2,028,000	-£2,437,847

- **St John's** viability assessment scenarios:
 - Scenario 1 – provision of 34% affordable housing (reduced due to vacant building credits) would lead to a residual land value of -£14,397,874, where the BLV for the site is £1,217,091, leading to project deficit of **-£15,614,965**.
 - Scenario 2 – provision of 0% affordable housing would lead to a residual land value of -£5,523,615, where the BLV for the site is £1,217,091, leading to a project deficit of **-£6,740,706**.
 - Therefore, both scenarios will lead to a project deficit.

St Johns Road			
	Residual land value (£)	Benchmark land value (£)	Project surplus / Deficit (£)
34% Affordable Housing (<i>reduced due to vacant building credits</i>)	-£14,397,874	£1,217,091	-£15,614,965
0% Affordable Housing	-£5,523,615	£1,217,091	-£6,740,706

St John's Pro-rata s106 Obligation Payments

Qualis are now proposing to phase the development of the St John's Road site to make s106 obligation payments on the same basis, pro-rated. This variation request is made given the constrained cash flow demonstrated by the viability position. This does not alter the total s106 receipts that are due from the development which relate to transport, health, education and Epping Forest SAC mitigation.

A number of the obligations relate to payments to be made to Essex County Council (ECC) who are a signatory to the s106 and final wording and around the obligations will be subject to agreement with ECC.

Conclusion

Within the district there is a pressing need to increase the provision of housing of all forms especially in the current cost context where some development projects are stalling. This is in accordance with Local Plan Policy SP1 which sets out the house building targets for the district. These schemes are currently in delivery with the construction of the Civic Offices site (now branded as Springwood Grove) well advanced and the St John's Road site cleared and the first phase scheduled to commence shortly.

Notwithstanding the shortfall in the previously agreed affordable housing levels the projects also have wider benefits to Epping Town Centre bringing disused and underutilised sites back into use and supporting the retail and amenities of Epping Town Centre through the increase population they will enable.

Acceptable viability evidence has been provided by the applicants and it is concluded that due to the significant project deficits set out above, that the reasonable level of affordable housing that can be supported by each of the proposed developments will be secured, without impeding the viability of the project and the prospects of delivery.

Late Stage Viability Reviews are retained in the obligations on both sites which will enable the level of affordable provision to be reconsidered if the viability position of the developments changes at a future date.