

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF PLANNING SERVICES SCRUTINY STANDING PANEL  
HELD ON TUESDAY, 18 JUNE 2013  
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.30 - 9.03 PM**

**Members Present:** J Wyatt (Chairman), G Chambers (Vice-Chairman), K Chana, J Hart, L Leonard, J M Whitehouse and D Wixley

**Other members present:** R Bassett, G Waller and Mrs E Webster

**Apologies for Absence:** A Boyce, P Keska, B Sandler and Mrs T Thomas

**Officers Present** J Preston (Director of Planning and Economic Development), N Richardson (Assistant Director (Development Control)) and M Jenkins (Democratic Services Assistant)

**1. SUBSTITUTE MEMBERS**

It was noted that Councillor L Leonard was substituting for Councillor Mrs T Thomas.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest made pursuant to the Council's Code of Conduct.

**3. NOTES FROM THE LAST MEETING**

**RESOLVED:**

That the notes of the last Panel meeting held on 11 December 2012 be agreed.

**4. TERMS OF REFERENCE**

The Panel's Terms of Reference were noted.

**5. WORK PROGRAMME**

It was advised that Item 11 Planning Application Validation Requirements would be put before the September 2013 Panel meeting.

The Planning Portfolio Holder advised that there would be a Local Plan Workshop in September 2013 where the consultant would be present to answer questions. Planning officers would be using the 2011 Census figures in the Plan.

**6. CROSSRAIL 2 CONSULTATION**

The Panel received a report from the Director of Planning and Economic Development regarding the Crossrail 2 consultation.

Crossrail 1 provided improved links and capacity for east west travel across and within London, Crossrail 2 was intended for the same role but on a south west north east axis. Since 1991 a route for Crossrail 2 had been safeguarded which included the Central Line to Epping.

A non-statutory consultation had been issued by Transport for London (TfL) and Network Rail running from 14 May to 2 August 2013, concerning the two proposed routes for Crossrail 2, a north east terminus at Alexandra Palace (Metro Route) or Cheshunt (Regional Route).

### **Epping as a terminus**

Epping had become a terminus after the Epping – Ongar portion of the Central Line was closed. A terminus was likely to have some positive economic impacts, although this could lead to pressures for development near the terminus. Commuters parking outwith the station car park could cause issues for residents and businesses. However it could draw economic viability away from town centre areas.

### **Overall benefits of Crossrail 2 taking an alignment just to the west of the district using the West Anglia Routes.**

An alignment which used the West Anglia Main Line as a regional option just to the west of the district would still give businesses and residents of the district the opportunity to gain access to it. The Regional option assumed that four tracking of this route had been achieved which would bring advantages to residents within easy reach.

### **What happens to the Central Line without Crossrail 2?**

It was considered that the Central Line was already at capacity and would get progressively worse over the next twenty years. The consultation recognised that funding of major public transport improvements over the next 20 years had several very significant calls upon limited resources the Central Line rolling stock was about midway through its 40 year design life. In particular, this was a concern because the service on the Hainault Loop was already restricted compared to that on the Epping Branch. The Hainault Loop did not offer a late evening service, and the station usage levels at Roding Valley were towards the lowest end of the spectrum. Much greater certainty about the Central Line and its upgrades was needed.

### **Is there a case for a further Crossrail 2 option which EFDC and other councils which the Central Line runs through could support?**

Whilst it was recognised that any route would have capacity limits, the options suggested had several routes/termini shown to the south west end of the Regional Option, but only two at the north east end. It appeared unusual that an alignment reaching Stratford had not been found. The station there had seen very significant increases in usage. Stratford was intended as a Crossrail 1 station, Crossrail 1 and 2 were presently intended to have only a single meeting point at Tottenham Court Road, it was felt that consideration should be given to two points at which these lines should meet.

### **What future investment in and role does TfL see for the Central Line?**

It was not considered that the future intentions for the Central Line were adequately spelt out. There were significant risks if investment was put into other projects over an extended period.

Officers had attended a discussion recently where TfL explained their present thinking. The options for this Council ranged from taking a position of absolute objection to the loss of the original ideas, through to giving unqualified support for the new ideas.

In addition, regarding access to Stansted Airport, the present development with planning permission relied on a single rail line serving the airport. The development of other airports had seen consequential improvements to their public transport accessibility, and their resilience, by having improved rail connections.

If the Regional option was chosen with a terminus at Cheshunt, there may well be a requirement for a marshalling yard in the vicinity of that station, and relatively close to the District boundary.

Crossrail 2 would most likely require a marshalling yard relatively near each terminus. Some investigation had taken place and one site that was being considered was near Broxbourne Station. The site was in the Green Belt, the Lee Valley Regional Park and was contaminated. It would be quite close to the boundary of this district.

The Panel asked that the Corporation of London should be added to the list of relevant stakeholders for whom the District Council's views were made known. Members responded positively to the consultation, it was felt that the Regional Option was the better one and that Stratford should be used as a connecting station.

**RECOMMENDED:**

That the Crossrail 2 Consultation be recommended to the Overview and Scrutiny Committee.

**7. S106 AGREEMENTS MONITORING REPORT**

The Panel received a report from the Assistant Director of Planning and Economic Development (Development Control) regarding Annual Planning Obligation/Section 106 Agreements April 2012 to March 2013.

Section 106 of the Town and Country Planning Act 1990 allowed a local planning authority to enter into a legally binding agreement or planning obligation with a land owner/developer over a related issue. This obligation was often termed a Section 106 Agreement.

Section 106 Agreements could act as a main instrument for placing restrictions on developers, requiring them to minimise the impact of their development on the local community and carry out tasks providing community benefits. Such agreements were sought when planning conditions were inappropriate for ensuring and enhancing the quality of development and enabling proposals that could otherwise have been refused. They were not for taking a share of the developer's profits nor for gaining a benefit unrelated to the development.

The courts had stated that to be lawful, agreements only had to show that they were relevant to planning and that in all respects were reasonable.

### **What were Planning Obligations?**

Section 106 Agreements contained obligations relating to a person's land which binded it and the owner. They may:

- (a) Restrict the development or use of the land in a specified way.
- (b) Require specified operations or activities to be carried out.
- (c) Require the land to be used in any specified way.
- (d) Require a sum or sums to be paid to the authority on a specified date or dates or periodically.

They provided a means for ensuring that developers offset directly any disadvantage from a development and contribute towards the infrastructure and services that this Council and the County Council believed necessary to accommodate the proposed development.

The Local Plan Alterations 2006 set out the policy in relation to Planning Obligations. They were used to deliver the following:

- (i) Affordable housing
- (ii) Require highway works to be carried out
- (iii) Require land to be dedicated and equipped as public open space
- (iv) restoration of a listed building
- (v) Sums of money to be paid for the provision of off-site infrastructure or for the long term maintenance of open space.

Section 106 Agreements were deeds drawn up by legal professionals and had traditionally taken some months to bring to a conclusion. There was no substitute for such a legal document when the benefit being sought was of a complex nature. Since applications were not finally dealt with until the associated agreement was completed, this approach meant that many major applications were exceeding the Government's targets for determination. Therefore, in common with other planning authorities, the Council was encouraging the submission of Unilateral Undertakings with the application.

### **Affordable Housing and other requirements relevant to EFDC**

Under the current adopted Local Plan, affordable housing was required where a certain threshold was reached in a single development proposal where the population of the settlement was greater than 3,000 people. The requirement in this case would be 40% of all houses affordable and the only way to secure this is through a legal agreement. In smaller settlements outside the Green Belt, up to 50% would be sought. There were policies in the Council's Local Plan that stated this and therefore made it clear to developers what was the Council's requirement.

Where negotiation became more complex and delayed the determination of planning Applications was where community or off site affordable housing contribution was

sought. The Council had no formulae or standard changes worked out and requests made at planning committee meetings were sometimes interpreted as a take of the developer's profits and not necessary or reasonable in planning terms. However there were circumstances where an affordable housing contribution was more appropriate, such as the replacement of a community facility. This came down to whether the development was viable or not.

### **Performance for the Year 2012/13**

Benefits negotiated through the year provided:

- A total of £731,659 received in the public purse.
- 69 affordable housing units.

Benefits realised through the year had provided:

- A total of £428,208 received.
- 67 affordable housing units.

### **The Future**

The use of Section 106 agreements were being overshadowed by the emergence of the Community Infrastructure Levy (CIL) which was in effect a tax on developers' profit and this would replace much of the traditional Section 106 benefits.

The adoption of the Community Infrastructure Levy (CIL) required an up to date development plan and adoption after consultation and examination before such a levy could be adopted and payment received. Monies raised under CIL could only be spent on infrastructure and therefore included roads and other transport facilities, flood defences, schools and other education facilities, medical facilities and sporting and recreational facilities. From 6 April 2015 it would not be possible to use S106 agreements for delivery of such infrastructure items.

As part of the Local Plan when setting out growth for the next 20 years, the Council must consider the infrastructure necessary to accompany the developments. In the Local Plan this assessment would form the Infrastructure Delivery Plan (IDP). Once all infrastructure needed was identified, all of the existing revenue streams must then be reviewed. Once the assessment of infrastructure expenditure was carried out, the gap between the cost of future development infrastructure needed and what was already being provided could be identified.

It was requested that a list of outstanding S106 money currently being held by the Council be attached to these notes.

### **RESOLVED:**

That the S106 Agreements Monitoring report be noted.

## **8. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

It was noted that the Crossrail 2 Consultation would be recommended to the Overview and Scrutiny Committee.

**9. ANY OTHER BUSINESS**

There was no other business for consideration.

**10. DATES OF FUTURE MEETINGS**

The next meeting of the Panel would be on 10 September 2013.

# Minute Item 7

## Section 106 General

Code	Description	Actuals
ZL284	Pan Britannica - Tesco Store, Waltham Abbey	-75,711.66
ZL702	Valley Hill Service Station, Valley Hill, Loughton	-5,618.47
ZL708	Thatched House, High Street, Epping	-7,513.56
ZL709	105-107 High Road, Loughton	-10,704.99
ZL712	Section 106 Contributions	-2,047.84
ZL712	1 Church Hill, Loughton	-10,000.00
ZL703	Grange Farm, High Road, Chigwell	-37,785.86
ZL713	Crossways, Middle Street, Nazeing	-6,613.67
	212 Manor Rd (larger site), Chigwell	-40,000.00
	Oakley Hall, Hoe Lane, Nazeing	-40,000.00

-235,996.05

## Section 106 Affordable Housing

ZL552	19-23 High Rd Epping - McCarthy & Stone	-628,659.50
ZL705	Bald Hind Pub, Hainault Rd, Chigwell	-101,000.00
	Ongar Station, High Rd, Ongar - McCarthy & Stone	-241,926.07
ZL716	BPI Poly Site, Brook Rd, Buckhurst Hill	-101,270.00

TOTAL

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1,072,855.57

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