

Committee Agenda



**Epping Forest
District Council**

Council Housebuilding Cabinet Committee Thursday, 22nd September, 2016

You are invited to attend the next meeting of **Council Housebuilding Cabinet Committee**, which will be held at:

**Committee Room 2, Civic Offices, High Street, Epping
on Thursday, 22nd September, 2016
at 5.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Jackie Leither
Governance Directorate
Tel: 01992 564756
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors S Stavrou (Chairman), W Breare-Hall, G Mohindra, J Philip and G Waller

**MEMBERS ARE REMINDED TO BRING THEIR COPIES OF
THE DESIGN STANDARDS TO THE MEETING**

1. APOLOGIES FOR ABSENCE

(Director of Governance) To be announced at the meeting.

2. SUBSTITUTE MEMBERS

(Director of Governance) To report the appointment of any substitute members for the meeting.

3. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on the agenda.

4. MINUTES (Pages 3 - 12)

(Director of Governance) To confirm the minutes of the last meeting of the Committee held on 24 March 2016.

5. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution require 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.

6. 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):

Agenda Item No	Subject	Exempt Information Paragraph Number
7	Council Housebuilding Programme – Phase I Tender (Recovery Package)	3 & 5

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

Article 17 - Access to Information, Procedure Rules of the Constitution define 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 for four years after the date of the meeting one copy of each of the documents on the list of background papers.

7. COUNCIL HOUSEBUILDING PROGRAMME - PHASE I TENDER (RECOVERY PACKAGE) (Pages 13 - 22)

(Director of Communities) To consider the attached restricted report (CHB-001-2016/17).

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Council Housebuilding Cabinet **Date:** Thursday, 24 March 2016
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.00 - 9.05 pm
High Street, Epping

Members Present: D Stallan (Chairman), S Stavrou, G Waller, H Kane and C Whitbread

Other Councillors: S Kane and H Kauffman

Apologies: R Bassett and W Breare-Hall

Officers Present: A Hall (Director of Communities) and J Leither (Democratic Services Officer)

Also in attendance: D Read (East Thames Group), N Penfold (Pellings LLP) and H Stuart (Trowers & Hamlins)

39. SUBSTITUTE MEMBERS

The Cabinet Committee noted that Councillors C Whitbread and H Kane substituted for Councillors R Bassett and W Breare-Hall.

40. DECLARATIONS OF INTEREST

(1) Pursuant to the Council's Code of Member Conduct, Councillors H Kane and S Kane declared a personal interest in Agenda Item 5, by virtue of being Waltham Abbey Ward Councillors. The Councillors had determined that their interest was non-pecuniary and would remain in the meeting for the consideration of the item.

(2) Pursuant to the Council's Code of Member Conduct, Councillor H Kauffman declared a personal interest in Agenda Item 7, by virtue of being the Ward Councillor. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the item.

41. MINUTES

Resolved:

That the minutes of the meeting held on 19 January 2016 be taken as read and signed by the Chairman as a correct record.

42. CHANGE OF ORDER

The Chairman proposed that Items 11, Exclusion of Public and Press and 12, Outcome of Claim for Extension of Time – Phase 1, be brought forward and heard after Agenda Item 4, Minutes, so that the invited guest, Helen Stuart from Trowers &

Hamlins Solicitors could give her opinion, answer member's questions and leave the meeting after these items.

Resolved:

That Agenda Items 11, Exclusion of Public and Press and 12, Outcome of Claim for Extension of Time – Phase 1, be brought forward and heard after Agenda Item 4, Minutes.

43. EXCLUSION OF PUBLIC AND PRESS

Resolved:

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
12	Outcome of Claim for Extension of Time – Phase 1	5

44. OUTCOME OF CLAIM FOR EXTENSION OF TIME - PHASE 1

The Director of Communities presented a report to Cabinet Committee. He advised that at the last meeting of the Cabinet Committee, a detailed report was provided on the current position with regard to Phase 1 of the Council House-building Programme setting out the details of the delay in progress with the works and details of the claim for an extension of time submitted by Broadway Construction Limited.

The Director advised that Pellings LLP had assessed the claim and found no sustainable arguments for an extension of time. East Thames Group and Pellings LLP were satisfied that the correct procedure had been followed in determining Broadway Construction Limited's claim.

The Director of Communities and Helen Stuart from the Council's solicitors, Trowers and Hamlin, answered a number of questions from members on the Council's legal position with regard to the Design and Build Contract.

Decision:

That the Outcome of Claim for Extension of time by Broadway Construction for Phase 1 on the Council House-building Programme be noted.

Reasons for Decision:

The contract with Broadway Construction for Phase 1 of the Council House-building Programme was in delay and a dispute had materialised over the cause and effect of the delay. This report sets out the Council's position with regard to the claim for an extension of time.

Other Options Considered and Rejected:

There are no other options for action, since the recommendation is to note the outcome of the claim determination.

45. INCLUSION OF PUBLIC AND PRESS**Resolved:**

That the public and press be invited back into the meeting.

46. FEASIBILITY REPORTS

The Director of Communities presented a report to the Cabinet Committee. He advised that, in July 2012, the Cabinet agreed a list of 65 primary sites for the Council House-building Programme; the sites detailed in the report before the Cabinet Committee were the last 12 sites to be considered whether or not they were viable and, if agreed will form Phase 6 of the Council's House-building Programme.

The Director introduced Neal Penfold from Pellings LLP, who went through each of the 12 sites. Cabinet Committee members were asked to consider the number and mix of units capable of being delivered on each site as listed below:

(a) Mallion Court, Waltham Abbey

4 x 2 bedroom, 2 storey detached houses with 19 parking spaces.

(b) Mason Way, Waltham Abbey

1 x 1 bedroom bungalow with no off street parking spaces.

(c) Stonyshotts, Waltham Abbey

1 x 2 bedroom, 2 storey detached house with 1 parking space.

(d) Gant Court, Waltham Abbey

3 x 2 bedroom, 2 storey detached houses with 14 parking spaces.

(e) Woollard Street, Waltham Abbey

5 x 2 bedroom, 2 storey terraced houses with 11 parking spaces.

(f) Denny Avenue, Waltham Abbey

3 x 3 bedroom, 2 storey detached houses with 10 parking spaces.

(g) Beechfield Walk, Waltham Abbey (Option A or B)

Option A

4 x 3 bedroom, 2 storey terraced houses with 10 parking spaces.

Option B

4 x 3 bedroom, 2 storey terraced houses; and

1 x 2 bedroom, 2 storey terraced house with 12 parking spaces.

(h) St Thomas's Court, Waltham Abbey

4 x 3 bedroom, 2 storey semi-detached houses with 7 parking spaces.

(i) Pick Hill, Waltham Abbey

2 x 3 bedroom, 2 storey semi-detached houses with 6 parking spaces.

(j) Bromefield Court, Waltham Abbey

1 x 2 bedroom bungalow with 4 parking spaces.

(k) Wrangley Court, Waltham Abbey

1 x 1 bedroom bungalow with 1 parking space.

(l) Shingle Court, Waltham Abbey

1 x 2 bedroom bungalow with 4 parking spaces.

N Penfold concluded that the above 12 sites had economic development potential and should be considered to be taken forward to the planning application stage.

Members considered the two options at Beechfield Walk, Waltham Abbey and identified that although Option B would provide another property with two parking spaces, an existing electricity cable would have to be diverted and this would be a very costly exercise. Members were therefore in favour of Option A.

Ward Members were concerned with the parking problems in the area and asked to be consulted on the outcome of the transport assessments prior to planning applications being submitted.

Decision:

(1) That subject to Ward Members being consulted on the outcome of the transport assessments. prior to submission of the planning applications, each of the 12 (Twelve) individual feasibility studies taken from the Cabinet approved list of Primary Sites as listed below, be included in a future phase of the Council Housebuilding Programme and progressed to the detailed planning stage;

- (a) Mallion Court, Waltham Abbey;
- (b) Mason Way, Waltham Abbey;
- (c) Stonyshotts, Waltham Abbey;
- (d) Gant Court, Waltham Abbey;
- (e) Woollard Street, Waltham Abbey;
- (f) Denny Avenue, Waltham Abbey; and
- (g) Beechfield Walk, Waltham Abbey (Option A);
- (h) St Thomas's Court. Waltham Abbey;
- (i) Pick Hill, Waltham Abbey;
- (j) Bromefield Court, Waltham Abbey;
- (k) Wrangley Court, Waltham Abbey; and
- (l) Shingle Court, Waltham Abbey.

(2) That, subject to Secretary of State consent, the former garage sites and any associated amenity land edged red on the site plans associated with each of the sites

in (1) above and identified for the development of Council House-building, be appropriated for planning purposes under provisions laid out in the Local Government Act 1972 and Town and Country Planning Act 1990 on the grounds that the land is no longer required for the purposes for which it is currently held in the Housing Revenue Account;

(3) That the Housing Portfolio Holder be authorised to submit detailed planning applications for each of the sites in (1) above; and

(4) That Phase 6 of the Council's House-building Programme be made up of the sites included in (1) above.

Reasons for Decision:

At its meeting in August 2014, the Cabinet Committee asked that each of the sites on the Primary List of approved sites be progressed to the feasibility stage to create a bank of sites for future phases of the House-building Programme. The 13 sites included in this report are from the original list of 65 sites approved by the Cabinet in 2012, and will form Phase 6 of the Council house-building programme as defined by the Policy on the prioritisation of development sites by area.

Other Options Considered and Rejected:

(1) Not to progress with any of the schemes presented in this report.

(2) To develop the sites with a different number of homes, or with an alternative mix of property types or parking allocation.

47. DEVELOPMENT STRATEGY UPDATE

The Director of Communities presented a report to the Cabinet Committee. He advised that the Terms of Reference for the House-Building Cabinet Committee stated that this Committee would consider and recommend to the Cabinet the Development Strategy for the Council's House-building Programme on an annual basis. As part of their appointment as Development Agent, it was a requirement that East Thames prepared the Development Strategy on behalf of the Council and updated it when required.

It was noted, that at its previous meeting in July 2013, the Cabinet Committee were consulted on the first iteration of the Development Strategy, including: the assumptions that would be made; the standards used; the consultation methods that would be adopted; the procurement methods used for the construction works; and the performance targets used to measure progress. All feasibility studies that have been presented to the Cabinet Committee since then have been based on that Development Strategy. This was reviewed again in December 2014, where a number of additional policies were incorporated, including accelerating the House-building Programme, prioritising the sites for development and a policy on future use of sites found to be unsuitable for Council house-building.

The Development Strategy was set out at Agenda Item 6, Appendix 1 for consideration in detail and, subject to being satisfied with its contents, the Cabinet Committee were asked to recommend its approval to the Cabinet.

The Director of Communities drew attention to a small number of corrections required to the Draft Strategy, and the need to include the Council's policy on rent to be

charged for properties purchased on the open market, which would be considered later in the meeting.

Decision:

That, subject to the amendments reported at the Council House-building Cabinet Committee meeting, the Development Strategy update be recommended to the Cabinet.

Reasons for Decision:

Approval of the Development Strategy remains the responsibility of the Cabinet. However the House-building Cabinet Committee is required to consider and then recommend its approval to the Cabinet.

Other Options Considered and Rejected:

Not to adopt the contents of the Strategy in the format presented and alter any of its statements, targets, standards, procedures or assumptions.

48. SITES UNSUITABLE FOR DEVELOPMENT

The Director of Communities presented a report to the Cabinet Committee regarding three sites that have either been identified as being unsuitable for development or the Cabinet Committee's original proposals for the sites had been refused planning permission by the relevant Area Plans Sub-Committee, as follows:

Hillyfields, Loughton

The Cabinet Committee agreed, at its meeting in November 2014, that this site was viable to go forward for detailed planning permission. However, Planning Officers could not agree this site was viable as they considered the access road to be too narrow and there were significant overlooking issues. It was recommended therefore that this site should be sold on the open market. The Cabinet Committee was anxious that the site was sold in a way that maximised the income to the Council.

Whitehills, Loughton

The Cabinet Committee agreed at its meeting in October 2014, that this site was viable to go forward for detailed planning permission. The site would provide 3 x 3-bedroom houses. This application was refused at a meeting of the Area Planning Sub-Committee (South) due to the proximity to neighbouring properties and poor driver visibility at the junction with Whitehills Road. This scheme had now been referred back to the Cabinet Committee with a suggestion that a revised planning application be submitted to reduce the scale of the dwellings to 3 bungalows, which would meet with the objections regarding their overbearing effect on the adjacent properties.

There was also concern that vehicles did not have a turning point in the development and this would mean that larger vehicles would have to back out onto a busy road where there was a school for children with severe learning disabilities. It was therefore suggested that a redesigned scheme be pursued to incorporate a turning point.

Ladyfields, Loughton

The Cabinet Committee agreed at its meeting in October 2014 that this site was viable to go forward for detailed planning permission. The site would provide 6 x 2-bedroom houses and 1 x 3 bedroom house. However the application was refused at a meeting of the Area Planning Sub-Committee (South) on the grounds of a lack of compensatory parking for displaced garage tenants.

It was suggested by officers that, by removing the detached 3-bed house from the scheme and providing a number of unallocated off street parking spaces it was likely this development would meet with the objections over a lack of compensatory parking for displaced garage tenants. Therefore it was recommended that revised plans be prepared for 6 x 2-bed houses and a number of off-street parking spaces on the site and a new planning application be submitted.

In supporting this proposal, the Cabinet Committee agreed that, if planning permission is not granted for the revised scheme, the site should be sold on the open market, in the most effective way to maximise the income to the Council, with any receipt being recycled back into the Council House-building Programme.

Decision:

(1) That the garage site at Hillyfields, Loughton to the rear of 80-98 and 100-112 Hillyfields be sold on the open market, in the most effective way to maximise the income to the Council (including consideration of the use of overage clauses and offers being subject to the receipt of planning permission) with any receipt being recycled back into the Council House-building Programme;

(2) That the garage site at Whitehills, Loughton adjacent to Oak View School be redesigned to incorporate 3 bungalows and a new planning application be submitted subject to:

- (a) The revised scheme providing the ability for vehicles to turn around within the site;
- (b) Cabinet Committee Members (including substitutes) and Ward Members receiving a copy of the revised proposal; and
- (c) A further report being submitted to a future meeting if the provision of a turning point within the site is not possible, in order to determine the future use of the site;

(3) That the garage site at Ladyfields, Loughton opposite 39-45 Ladyfields be redesigned to remove the 3-bed detached house, create an area of unallocated off street parking in compensation for the loss of the garages and a new planning application be submitted; and

(4) That if planning permission is not granted for the garage site at Ladyfields, Loughton, the site be sold on the open market, in the most effective way to maximise the income to the Council (including consideration of the use of overage clauses and offers being subject to the receipt of planning permission) with any receipt being recycled back into the Council House-building Programme.

Reasons for Decision:

The Cabinet Committee is required to decide on the future use of garage sites unsuitable for development in line with the Council's Policy.

Other Options Considered and Rejected:

To adopt any of the other options within the existing Policy on the future use of undevelopable sites, as set out in the body of the report.

49. RENT LEVELS - OPEN MARKET PROPERTY PURCHASES

The Director of Communities presented a report on suggested rent levels to be charged for properties purchased by the Council on the open market.

The Director reminded the Cabinet Committee that, at its last meeting, they agreed that it would be necessary to purchase properties on the open market under the Council Housebuilding Programme, to let to Council housing applicants, in order to ensure that all of the required Right-to-Buy (RTB) "one-for-one" replacement capital receipts were spent within three years of receipt, as required under the legal agreement the Council has entered into with the Department for Communities and Local Government, so that no receipts have to be passed to the Government (plus interest).

The Director stated that the current estimate was that around 6 (six) properties would need to be bought on the open market and a decision need to be made on whether they be charged at affordable rents or social rents. The Director suggested in his report that affordable rents should be charged for market properties that were either new build or built within a specified number of years, and that social rents should be charged for older properties that were purchased.

However, the Cabinet Committee were of the view that, since all new homes built in the district under the Council House-building Programme would be charged at affordable rents, and that the cost of the Council purchasing market properties would be greater, all properties bought on the open market should also be charged affordable rents.

Decision:

(1) That affordable rents be charged for new or existing empty properties purchased by the Council off of the open market as part of its Council House-building Programme; and

(2) That applications be made to the Homes and Communities Agency (HCA), as necessary, to enter into "short-form agreements" with the Council to enable the Council to charge affordable rents when required.

Reasons for Decision:

The Cabinet Committee needs to determine whether properties purchased by the Council off the open market are charged affordable rents or social rents.

Other Options Considered and Rejected:

(a) Charging social rents for all properties purchased off the open market; or

(b) Charge affordable rents for market properties that were either new build or built within a specified number of years and social rents for older properties.

50. STREET NAMING - PHASE 2

The Director of Communities presented a report on the building naming and numbering for Phase 2 of the Council House-building Programme.

The Director stated that the Cabinet Committee had previously agreed to consult with town and parish councils on suggested names for buildings and streets developed under the Council House-building Programme and to consult with the relevant Ward Members on the local councils' suggestions.

The Director advised that Burton Road was in Loughton and proposed that the terrace of 17 houses be known as 1-33 (odd) Burton Road. Loughton Town Council had been invited to put forward a ranked list of suggested names for the two blocks of flats within the same development. The Town Council originally suggested 4 names, ranked in the Town Council's order of preference. However, informal consultation with the Director of Neighbourhoods, who was responsible for implementing the Council's Street Naming and Numbering Policy, established that this initial list of suggested names from the Town Council did not meet the Policy's requirements. The Town Council had therefore been invited submit a further ranked list of names, but had only put one further name forward – Churchill Court, in recognition of the development's close proximity to the site of the former Sir Winston Churchill Public House, that had recently been demolished.

It was noted that one of the original names put forward by the Town Council that did not meet the Policy's requirements was Joan Davis Place. However, members were of the opinion, that on this occasion, formal approval should be sought from the Director of Neighbourhoods to deviate from the Council's Street Naming and Numbering Policy for the other block and that, with the approval of her family, the new block of 15 flats should be named 'Davis Court' after former District and Town Councillor Joan Davis (deceased). It was also agreed that if, for any reason, this was not deemed as acceptable, the name of 'Nelson Court' be used as a reserve after the name of a previous protector of Epping Forest put forward by one of the ward members.

Decision:

(1) That, subject to the formal approval of the Director of Neighbourhoods, the terrace of 17 houses to be constructed under Phase 2 of the Council's Housebuilding Programme be numbered 1-33 (odd) Burton Road, Loughton;

(2) That, subject to the approval of the Director of Neighbourhoods to deviate from the Council's Street Naming and Numbering Policy and, in respect of (b) below, the agreement of the deceased persons family:

- (a) The new block of 19 flats to be constructed in Burton Road, Loughton be named "Churchill Court", as suggested by Loughton Town Council; and
- (b) The new block of 15 flats to be constructed in Burton Road, Loughton be named "Davis Court", after former district councillor Joan Davis;

(3) That if the names at either 2(a) or 2(b) above are not acceptable for any reason "Nelson Court" be used as a reserve name; and

(4) That a formal application be submitted to the Director of Neighbourhoods for the above names and numbering, in accordance with the Council's Street Naming and Numbering Policy.

Reasons for Decision:

The two new blocks of flats to be constructed at Burton Road, Loughton require names, and the terrace of houses requires numbering. A decision needs to be made at this meeting to avoid any delays with the construction contract. The Cabinet Committee has been authorised by the Leader of the Council to decide the names of new developments.

Other Options Considered and Rejected:

(a) To agree different names for one or both blocks of flats to those suggested; and/or

(b) To agree different numbering for the new terrace of houses.

51. ANY OTHER BUSINESS

Last Meeting of the Municipal Year

The Chairman informed the Cabinet Committee that this would be his last meeting of the Council Housebuilding Cabinet Committee in his capacity as Portfolio Holder for Housing. He expressed his thanks to the Cabinet Committee, Ward Members, the Development Agents, East Thames Group, Pellings LLP, the Director of Communities, Officers and the Assistant Director (Housing Development & Property).

CHAIRMAN

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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