

Appendix 1 Report of the Local Planning Authority

Introduction

1. This report has been prepared by the Interim Assistant Director – Planning Policy and Implementation on behalf of the Local Planning Authority (LPA) and concerns the development of five Epping Town Centre sites proposed for allocation in the Epping Forest District Local Plan (2011-2033) Submission Version 2017 (LPSV), under Policy P 1 Epping (EPP.R4, EPP.R5, EPP.R6, EPP.R7 and EPP.R8 and associated site-specific policy requirements in Appendix 6).
2. The proposal to develop the five town centre sites is being promoted by Qualis Commercial Ltd (Qualis), the Council's wholly owned local development company.
3. In the circumstances, it is important to emphasise that Parliament has entrusted the LPA with primary responsibility for control over development within the District. Under the plan-led planning regime, the achievement of sustainable development requires a LPA to prepare and adopt a Local Plan which must include the strategic policies, designations, allocations, and development management policies to guide development over the Plan period of at least 15 years. The LPA is subject to a statutory duty to ensure the Local Plan is kept up to date to ensure its effectiveness as the strategic plan for the District. All planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
4. In accordance with relevant statutory and regulatory requirements concerning the development of land owned by the Council, or in respect of which the Council has a legal and/or beneficial interest, it is essential that the LPA maintains an 'arms-length' relationship with Qualis at all times, just as the LPA would for any site promoter. It is for this reason that a separate addendum report is being prepared by the LPA.
5. Recognised good practice requires a strict separation of the functions and responsibilities of the Council as landowner and LPA, respectively. To that end, appropriate organisational and governance arrangements are being established and will be maintained to ensure that all decisions relating to the development of the five Epping Town Centre sites by Qualis are taken by the LPA in a transparent and lawful manner. Specifically, officers within the Council's Planning Service (including the Planning Policy, Implementation, and Development Management teams), or the external advisors retained by the LPA, must not be involved with, or responsible for, any aspect of the Council's management of the five town centre sites, or the promotion of the development proposals by the Council as landowner and/or Qualis.

6. The Council must adhere to strict legal requirements and take all reasonable steps to ensure the integrity of plan-making and decision-taking in the District. Failing to do so undermines confidence in the plan-led system and is contrary to the public interest.
7. Notwithstanding the Council's proposed transfer of the five town centre sites to Qualis, section 316 of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), concerning 'land of interested planning authorities and development by them', requires such applications to be determined by the LPA, subject to specific procedural rules prescribed in Town and Country Planning General Regulations 1992, as amended, ("the 1992 Regulations").
8. In summary, due to the obvious risk of allegations of bias, the said procedural rules prohibit the determination of such applications by a Committee, or sub-committee, or officer of the interested planning authority, if the Member(s) and/or Officer(s) involved are, or have been, responsible for the management of any land or building to which the application relates.

Planning Performance Agreement and Programme

9. The process of pre-application engagement with Qualis has commenced. It has been agreed to pursue a two-phase Planning Performance Agreement (PPA) for the five Epping Town Centre sites proposed for allocation in the Local Plan Submission Version 2017 under Policy P 1 Epping (EPP.R4, EPP.R5, EPP.R6, EPP.R7 and EPP.R8 and site-specific requirements in Appendix 6). PPA's are a project management framework and timetable, which includes Key Milestones for progressing and delivering development of each site by identifying the level of resources and actions required and ensure that all planning issues are properly considered and resolved at the earliest possible stage. Whilst they are not legally binding contracts, they provide a project management tool facilitating co-operation, trust and effective communication between the developer and the decision maker, with the aim of delivering high quality development and ensure prompt, clear and robust decision making.
10. The first phase PPA seeks to agree a strategic approach for the five town centre sites to ensure that the objectives and balance of uses and housing mix across the whole is understood. This PPA has been agreed and identifies a series of meetings through to the end of March 2020 to develop an agreed *Site Strategy – Design and Quality Brief*. This process includes the review of the Site Strategy by the Quality Review Panel on the 20 March 2020.
11. This will establish the framework under which site-specific development proposals can be progressed. It is proposed that planning applications are progressed in parallel for 'land at St John's Road' (EPP.R4), 'Bakers Lane Car Park' (EPP.R7) and 'Cottis Lane Car

Park' (EPP.R6). The second phase PPA will support the detailed site-specific review of design and other planning matters for these first three sites.

12. The programme for this second phase has been agreed and will commence on conclusion of the strategy phase running through to a target planning application(s) submission in December 2020. Thereafter planning determination will be undertaken during Q1 2021. A number of milestones are identified which both parties will need to meet to ensure the programme and target submission date are achieved. The key programme dates are as follows:

- Pre-Application Meetings, Quality Review Panel, Public Engagement – April to November 2020
- Planning Application Submission – December 2020
- Target Planning Committee – March 2021
- Target Planning Decision – April 2021
- Target Discharge of Pre-Commencement Conditions – July 2021

13. This programme has allowed for extensive public engagement in accordance with the Council's adopted Statement of Community Involvement 2019 and includes Development Management Forums, public exhibitions and presentations to Members at both District and Local level. Qualis are to prepare an engagement strategy for agreement with the Local Planning Authority (LPA) in accordance with the Statement of Community Involvement. Four Quality Review Panel meetings have been identified in the programme allowing time for site designs to be presented once for each site and then allowing a re-visit to assess the amendments made. The PPA process also identifies the opportunity to present draft planning applications for review by the Planning Implementation Team to ensure as smooth a determination process as possible on formal submission.

14. Proposed developments at EPP.R5 'Epping Sports Centre' and EPP.R8 'Land and part of Civic Offices' are proposed to follow as planning applications 6 to 9 months later in 2021 and will require a further PPA. It is noted that there is a policy requirement for the site allocation for the Civic Offices 'EPP.R8' requires that a site-specific Development Brief be prepared.

15. Engagement in relation to the Roundhills site proposed for allocation under Policy P 3 WAL.R6 for a minimum of 27 homes has not yet commenced but Qualis are in receipt of the Quality Review Panel report of 12 July 2019 which identified a number of issues which the site design needs to address. The Local Plan Submission Version (LPSV) 2017 Appendix 6 sets out the site-specific policy requirements.

Epping Town Centre Sites Draft Site Strategy – Design and Quality Brief.

16. A draft Site Strategy – Design and Quality Brief has been received and the LPA will work proactively with Qualis to further develop this to an agreed position. The LPA support the principle identified of bringing forward the first three sites (i.e., land at St John’s Road’, ‘Bakers Lane Car Park’, and ‘Cottis Lane Car Park’), against an overarching agreed strategy for all five town centre sites. The uses identified for each site are generally in accordance with the proposed Site Allocations in LPSV Policy P 1 and the associated site-specific policy requirements in Appendix 6.
17. As stated above, all the sites are allocated for development in the LPSV, adoption of which is anticipated at the end of 2020. The LPSV proposes a minimum number of 199 homes across the five Epping sites. There is some potential for an uplift through increased density but this will need to be the subject of further detailed assessment to consider the impact of an increased density on housing mix, provision of amenity space, impact on local residents and other material planning considerations which would be considered through engagement with the Planning Implementation Team in the usual way.
18. The promoter’s most recent proposal includes a very substantial uplift in the number of homes proposed on the five town centre sites; well in excess of the indicative quantum of development proposed in LPSV Policy P 1. However, to date the promoter has not demonstrated that the proposed quantum of development could be delivered on the town centre sites in accordance with the site-specific policy requirements in Appendix 6 of the LPSV. In the circumstances, the public interest demands an exemplar approach to the delivery of development of the highest quality, consistent with the principles of place-making and in accordance with the EFDLP.
19. A key requirement to support the LPSV is the Habitat Regulations Assessment (HRA) 2019 which found that the Plan would be likely to have a significant effect upon the Epping Forest Special Area of Conservation SAC in respect of both atmospheric pollution and disturbance from recreation/urbanisation. An appropriate assessment of its implications for the integrity of the SAC was therefore undertaken. A Mitigation Strategy to address the impacts is required to support the Plan. The Council has agreed an interim mitigation strategy for the impact of recreational pressure on the EFSAC (October 2018). A further visitor survey has recently been undertaken and it is likely that the strategy will be updated in due course. The Council is currently preparing a Green Infrastructure Strategy (the draft strategy is on the Cabinet agenda to agree for consultation) which includes the provision of Suitable Alternative Natural Green Space (SANG). A SANG strategy is also needed to mitigate the full effect of recreational pressure on the SAC. The Council is yet to agree the mitigation strategy with Natural England to address the impact of the proposed growth on the air quality in the SAC.

20. Following the hearings held by the Inspector last year, the Council is working with Natural England to undertake further traffic modelling and air quality modelling to support an updated HRA to take account of the issues raised through the examination as set out in the Inspector's advice note of 2 August 2019 (ED98). The Council has made good progress with this work and the current timetable has an updated HRA to be completed by mid-May 2020. The modelling is however based upon the quantum of development proposed in the LPSV. Development proposals which exceed the quantum of development identified in the Plan will require further Appropriate Assessment under the Habitat Regulations to confirm that there will be no additional likely significant effects on the EFSAC, either alone or in combination with other plans and projects, taking account of its conservation objectives as a European site.
21. In parallel with the Site Strategy – Design and Quality Brief, Qualis are undertaking a Traffic and Parking Survey to understand current use and movement patterns. This will inform the public and private parking strategy adopted across the five town centre sites. However, this is anticipated to be in general accordance with the Site Allocations in LPSV Policy P 1 and associated site-specific policy requirements within Appendix 6. The Allocations require no net loss of public car parking spaces and that residential development should limit the provision of on-site residents' car parking to on-site for car clubs/car sharing or pooling arrangements, visitor parking and blue badge holders. Contributions towards a controlled parking zone will also be sought.
22. From the draft Site Strategy – Design and Quality Brief the following design objectives have been agreed with Qualis which are supported:

Quails Objectives

- *To develop in an economically sustainable manner with a social objective and to create vibrant and healthy communities which protect and enhance our natural, built and historic environment.*
- *To do everything within our power to ensure schemes will be carbon neutral by 2030, in line with the Council's declaration of a Climate Emergency.*

Town Centre Sites Design Objectives:

- *To deliver exemplary and policy compliant schemes, following the emerging local plan policies and National Planning Policy Framework with focus on high quality design and sustainability.*
- *To create successful developments which promote health and wellbeing, culture and leisure, a varied town centre residential offer, and support the existing town centre and its central role in the community.*

- *To deliver integrated architecture and placemaking using high quality specification and material palettes which reflect and take cues from the local setting and vernacular.*
- *To ensure proposals are viable and deliverable while being suitable to their setting.*
- *To preserve the special architectural or historic interest of heritage assets (Locally Listed Buildings) through their retention, sensitive conversion and refurbishment and preserves and enhance the setting of the Epping Conservation Area and Listed Buildings.*
- *To support a network of accessible new and enhanced public spaces, public open space and pedestrian routes in the Town Centre and the provision of high quality leisure and recreational facilities.*
- *To promote travel choices through a sustainable transport strategy which serves the needs of the developments whilst considering the community wide implications and without causing any adverse impact on the Epping Forest SAC.*
- *Set a series of sustainability targets for the key development sites in order to work towards a net zero carbon footprint by 2030.*
- *To target a biodiversity net gain on all developments and preserve and protect existing habitats and protected species, in line with the emerging national policy (Environmental Bill).*
- *To ensure that existing trees are incorporated into the development proposals where possible, and TPO trees are protected and preserved, to avoid the loss of, or damage, to them.*
- *To contribute to the supply of new homes identified in the Local Plan through the provision of mixed and balanced communities which meets local identified need and the requisite affordable housing requirements.*
- *To develop to Inclusive Design Principles: designs will aim to remove the barriers that create undue effort and separation and enable everyone to participate equally, confidently and independently in everyday activities.*

Specific Residential Design Objectives

- *To assess schemes against Building for Life 12 principles: the industry standard for the design of new housing developments.*
- *To meet exemplary development standards: working to key sustainability benchmarks, eg. Home Quality Mark, Passivhaus, BREEAM, as appropriate.*
- *To ensure inclusive homes with all new homes to be built in accordance with Building Regulations Requirement M4 (2) Accessible and Adaptable dwelling standards.*
- *To target all homes to be dual aspect or better, and to meet BRE Daylight / Sunlight guidelines to ensure good daylight and sunlight for existing and new users of the developments.*

- *To target Home Quality Mark rating of 4 star and above, or equivalent, on all new homes.*
- *Limit the provision of on-site residents' car parking to that required to service the essential needs of the development through the provision of on-site for car clubs/car sharing or pooling arrangements, visitor parking and blue badge holders with associated electric charging point and contributions to CPZ's.*
- *All homes to have access to high quality shared and private amenity spaces.*
- *To seek to achieve the emerging local plan policies H 1 and H 2 for housing mix, accommodation types and affordability (40% affordable).*
- *To ensure homes sizes will meet or exceed the Nationally Designed Space Standards.*

23. In addition to the site-specific allocations for each of the sites, proposals will be assessed against a number of policies within the LPSV 2017 as listed here:

- **Policy H 1 Housing Mix and Accommodation Types**
- **Policy H 2 Affordable Housing**
- **Policy E 2 Centre Hierarchy/Retail Policy**
- **Policy E 4 The Visitor Economy**
- **Policy T 1 Sustainable Transport Choices**
- **Policy DM 1 Habitat Protection and Improving Biodiversity**
- **Policy DM 2 Epping Forest SAC and the Lee Valley SPA**
- **Policy DM 5 Green and Blue Infrastructure**
- **Policy DM 6 Designated and Undesignated Open Spaces**
- **Policy DM 7 Heritage Assets**
- **Policy DM 9 High Quality Design**
- **Policy DM 10 Housing Design and Quality**
- **Policy DM 11 Waste Recycling Facilities in New Development**
- **Policy DM 15 Managing and Reducing Flood Risk**
- **Policy DM 16 Sustainable Drainage Systems**
- **Policy DM 18 On Site Management and Reuse of Waste Water and Water Supply**
- **Policy DM 19 Sustainable Water Use**
- **Policy DM 20 Low Carbon and Renewable Energy**

- **Policy DM 21 Local Environmental Impact Pollution and Land Contamination**
- **Policy DM 22 Air Quality**
- **Policy P 1 Epping**
- **Policy D 1 Delivery of Infrastructure**
- **Policy D 2 Essential Facilities and Services**
- **Policy D 3 Utilities**
- **Policy D 4 Community, Leisure and Cultural Facilities**

24. Any subsequent planning permission would be subject to planning conditions requiring some further details to be submitted and approved afterwards and a Section 106 agreement. Any section 106 planning obligation will be subject to the Council's Developer Contributions Strategy that provides guidance on how, what and when planning obligations will be used and the approach to viability for any of the proposed sites to determine the appropriate level of developer contributions to be sought. In accordance with emerging LPSV Policy D 1 Delivery of Infrastructure, the developments must be supported by appropriate on and off-site infrastructure and services as identified through the Infrastructure Delivery Plan 2017 (and take account of the updated IDP currently being prepared – particularly with regard to education and highways). The development will also need to provide the financial contributions and other requirements related to the agreed Mitigation Strategy to address the recreational pressure and air quality impacts on the Forest.