

Supplementary Committee Agenda



Governance Select Committee Tuesday, 29th November, 2016

Place: Committee Room 1, Civic Offices, High Street, Epping

Time: 7.15 pm

Committee Secretary: Jackie Leither
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7. DEVELOPMENT MANAGEMENT CHAIR AND VICE CHAIR'S MEETING (Pages 3 - 8)

(Director of Governance) To receive feedback from meetings of Chair and Vice-Chair of the Area Planning and District Development Management Committees. This group had met on 4 October 2016. Report attached.

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Joint Meeting of Development Management Chairmen and Vice-Chairmen **Date:** 4 October 2016

Place: Committee Room 2, Civic Offices, High Street, Epping **Time:** 7.00 - 8.30 pm

Members Present: B Sandler (Chairman), S Jones, P Keska, A Patel, R Bassett and J Philip

Other Councillors: -

Apologies: G Chambers, A Mitchell, B Rolfe and G Shiell

Officers Present: N Richardson (Assistant Director (Development Management)), S G Hill (Assistant Director (Governance & Performance Management)), J Godden (Principal Planning Officer (Heritage, Enforcement & Landscaping)) and G J Woodhall (Senior Democratic Services Officer)

13. APPOINTMENT OF CHAIRMAN

Resolved:

(1) That Councillor B Sandler be confirmed as Chairman for the municipal year 2016/17.

14. NOTES OF THE LAST MEETING

Resolved:

(1) That the notes of the last meeting, held on 23 March 2016, be agreed as a true and accurate record.

15. MATTERS ARISING

It was noted that there were no matters arising from the previous meeting for discussion.

16. REVIEW OF THE PLANNING PROTOCOL

S Hill provided an update on the progress being made by the Constitution Working Group in reviewing the Planning Protocol.

S Hill reported that the review of the Planning Protocol had been considered by the Constitution Working Group at its meeting on 20 September 2016. Counsel had provided Officers with some example codes and protocols from other authorities, and had suggested 18 points which the Council's protocol should cover. Some of these points, such as the Site Visit guidance, had already been reviewed during 2015/16

and it was not intended to repeat the work already undertaken. S Hill and S Tautz had been tasked to redraft the existing Protocol for review by Members of the Working Group. It was proposed to simplify the existing Protocol and all suggestions would be welcomed.

B Sandler emphasised the deficiencies with some of the plans that were submitted to accompany planning applications, and that the validation process should be more rigorous as the eight-week determination period started once the application had been formally accepted. There had also been a number of complaints from Local Councils about the frequency of additional information and photographs being made available at the time of the District Council Planning meeting but not earlier in the process.

N Richardson explained that the Validation Checklist followed for each planning application received by the Council was quite detailed and had been published on the Council's website to inform potential Applicants, although it was due for review. One complication was that a plan of the street scene was not requested by many other Councils and this could be forgotten by Officers who had joined the Council from other local authorities, but it was accepted that there was a need to remind Officers to follow the Checklist when validating new applications. It was intended to have a dedicated resource to validate new planning applications, and one of the new Planning Trainees had been previously validating new applications at LB Barnet, which should improve matters. Cllr Philip suggested that the Checklist should be attached to the Planning Application file for Planning Case Officers to double-check that the process had been followed correctly.

Cllr Jones expressed concerns about when Sub-Committees were expected to decide on a sum for a Section 106 Agreement at a meeting; it gave the impression that the planning permission was being purchased by the Applicant. It was suggested that such applications could be deferred until an appropriate sum had been determined by Officers. Cllr Bassett was of the opinion that Members were not involved in the negotiations for Section 106 Agreements, although it could be useful to understand how the sums were set. N Richardson stated that Section 106 Agreements could be very wide ranging in scope, but their number should reduce if the Community Infrastructure Levy was implemented by the Council.

Cllr Patel opined that if a 'Way Forward' had been agreed by the (Sub-)Committee when an application was refused planning permission then it should be included in reports for subsequent revised applications and given due weight. N Richardson stated that the provision of a 'Way Forward' had been requested by the Planning Inspectorate as a method of reducing the number of Planning Appeals, but the 'Way Forward' would be added to the reports for subsequent revised planning applications to give guidance to the (Sub-)Committee. Cllr Patel added that a 'Way Forward', if agreed, should be constructive.

Cllr Patel also highlighted that some planning applications could be amended between being considered by a Sub-Committee and being considered by the District Development Management Committee if referred. Cllr Sandler suggested that any such changes should be highlighted by the Applicant for the benefit of Local Councils. N Richardson explained that non-material and minor material amendments were sometimes made after an application had been granted planning permission, and were agreed by Officers. Any changes made to an application after it had been referred to the District Development Management Committee was usually outlined in the accompanying letter from the Applicant, and this could be added to the 'Description' section of the report to the District Development Management

Committee. Officers would consider whether this should also be added to the Validation Checklist.

Cllr Bassett asked whether Local Councils could be encouraged to either support planning applications or be advised of helpful responses to planning applications in their area. S Hill stated that this would not be covered by the Planning Protocol and N Richardson added that if a Local Council raised concerns then this would not necessarily be treated as an objection.

Cllr Bassett also felt that a number of Councillors were not aware of the rules concerning the calling-in of an application, or the referral of an application from a Sub-Committee to the District Development Management Committee. S Hill advised that the section on calling-in planning applications and the motivation for doing so by Members could be revised.

S Hill concluded by stating that the revised Planning Protocol could be considered by the Chairmen and Vice-Chairmen at their meeting in March 2017, and this was agreed.

Resolved:

- (1) That the Validation Checklist be attached to each Planning Application file for Planning Case Officers to ensure that the process had been correctly followed;
- (2) That the 'Way Forward' agreed by the (Sub-)Committee for planning applications refused planning permission be added to the reports for subsequent revised planning applications for that site;
- (3) That any revisions to a planning application after it had been referred to the District Development Management Committee be highlighted in the 'Description' section of the report to the Committee; and
- (4) That the revised Planning Protocol be considered by the Chairmen and Vice-Chairmen at the next meeting in March 2017.

17. REVIEW OF PLANNING PROCEDURES

The proceedings of the Planning (Sub-)Committees held during the preceding six-month period was evaluated and whether the procedure, policy and organisation of the (Sub-)Committees required review.

(a) Start Times of (Sub-)Committees

G Woodhall stated that as part of the review of the Council's Calendar of Meetings, it was going to be suggested that the start time of all Committee meetings should be standardised at 7.00pm. For the Planning (Sub-)Committees, this would necessitate the Chairman's Briefing starting at either 6.00pm or 6.15pm. The Chairman of Area Planning Sub-Committee South had already indicated a preference for a 7.00pm start time, and the other Chairmen and Vice-Chairmen were invited to provide their views.

A number of Members were opposed to this idea as it would prejudice working Members, some of whom did not finish their working day until 7.00pm, and it was highlighted that some Members did not arrive at the meeting until after 7.30pm. Cllr Keska pointed out that if the length of the agenda was controlled then there would not be any need to start the meeting at 7.00pm. N Richardson suggested that the

Scheme of Delegation could be reviewed if it was felt that too many applications were being referred to the (Sub-)Committees. However, Cllr Philip commented that residents relied on Councillors to have an opinion on planning applications, and the residents of Area Planning Sub-Committee East were more belligerent in providing written representations about planning applications. N Richardson acknowledged that there were not that many householders applications within the East area, there were more within the South area, and reminded the Committee that objections raised by Local Councils had to be on planning grounds for the application to be referred to a (Sub-)Committee for determination.

S Hill highlighted that the Constitution allowed for individual Committees to choose their own meeting start times and location.

Resolved:

(1) That the start times for the Planning (Sub-)Committees to remain at 7.30pm, but (Sub-)Committees to retain the flexibility to start at 7.00pm if they so desire for whatever reason.

18. PLANNING APPLICATION DECISION-MAKING PROCESS

A number of issues raised by Cllr Bassett, the Governance & Development Management Portfolio Holder, were discussed in relation to the process used to determine planning applications.

Cllr Bassett suggested that a meeting of senior Members be held to devise a better structure for the reports submitted to Planning (Sub-)Committee meetings. However, a number of Members felt that the current report format was perfectly adequate and they would be reluctant to see reports containing less detail. It was suggested that for planning applications which were recommended for refusal, the possible planning conditions or a list of standard planning conditions could be attached as an Appendix to the report if the (Sub-)Committee was minded to grant the application. Another suggestion was for a list of standard planning conditions to issued to Members for each meeting. N Richardson stated that it would be preferable if the planning conditions were available to the Officer at the meeting, but not published on the actual report as this would confuse the public as to what the recommendation actually was. However, the prospective planning conditions could be issued to Members at each meeting for those applications recommended for refusal.

Cllr Bassett highlighted the problem with Members abstaining at Planning meetings; a recent meeting of Area Planning Sub-Committee West had seen an application granted planning permission when the vote had been 2-1 in favour with 4 abstentions. However, Cllr Philip argued that Members had the right to abstain if they felt that neither the case for or against the application had been sufficiently made.

Cllr Bassett stated that a recent planning application had had only 3 consultees, but the Council's rules stated that 4 objections were required for the application to be referred to a Committee for determination; therefore, this application could not be considered by a (Sub-)Committee. N Richardson stated that the rules would become overly complex if exceptions were made for applications which did not have enough consultees to be possibly determined by a (Sub-)Committee; and applications could be 'called-in' by Members to heard and determined at a Planning meeting.

In response to further points raised by Cllr Bassett, N Richardson explained that the comments received from Local Councils for a particular application were not summarised and always reproduced in full in the report. It was acknowledged that

some planning reports had insufficient detail in the 'Conclusion' which summarised the reasons for the Officer's recommendation, and this would be rectified in future. Planning Officers would investigate instances whereby a planning application listed in the weekly list sent to Members had not been uploaded to the Planning Portal on the Council's website.

Resolved:

(1) That a list of prospective planning conditions for each application recommended for refusal be issued to Members at the start of each meeting;

(2) That the reasons for the Officer recommendation be fully summarised in the 'Conclusion' section of planning reports in future; and

(3) That any instances of planning applications listed in the weekly list to Members which had not been uploaded to the Planning Portal on the Council's website would be fully investigated by Officers.

19. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS

The current and future training needs for the Members tasked with discharging the Council's Planning function was considered.

S Hill stated that training had recently been provided to the Chairman and Vice-Chairman of Area Planning Sub-Committee West, which had covered relevant development management matters from the point of view of presenting Officers as well as constitutional and procedural matters. Further training along similar lines could be arranged for all Planning (Sub-)Committee Chairmen and Vice-Chairmen after the review of the Planning Protocol had been completed. It was envisaged that a 90-minute session one evening would suffice for this training.

S Hill also stated that refresher training could be organised for Members after the County Council elections in May 2017. Some Members were regular attendees at Planning training sessions whilst others hardly ever appeared to attend. A session could be arranged for a Saturday to provide this training. Cllr Bassett suggested that the imminent changes in the Planning Protocol could be emphasised and all Members requested to attend the training; Cllr Sandler commented that it was also important for Members of Local Councils to attend as well.

N Richardson proposed that the training session could be webcast and made available to non-attendees the following week; S Hill welcomed the suggestion but pointed out that there was also a requirement to register and record any training undertaken by Members.

Resolved:

(1) That a joint training session be arranged for all Chairmen and Vice-Chairmen of Planning (Sub-)Committees, to cover development management matters as well as constitutional and procedural requirements, following the completion of the review of the Planning Protocol.

20. ANY OTHER BUSINESS

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

21. DATE OF NEXT MEETING

It was noted that the next meeting was scheduled for 20 March 2017 at 7.00pm in Committee Room 1.

CHAIRMAN