

Agenda



Epping Forest District Council

Meeting of Development Control Chairmen and Vice Chairmen Tuesday, 11th September, 2012

You are invited to attend the next meeting of **Meeting of Development Control Chairmen and Vice Chairmen**, which will be held at:

**Committee Room 1, Civic Offices, High Street, Epping
on Tuesday, 11th September, 2012
at 7.00 pm .**

**Derek Macnab
Acting Chief Executive**

**Democratic Services
Officer**

Simon Hill - Tel 01992 564249
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Members:

Councillors A Boyce, R Bassett, J Hart, Mrs S Jones, Ms Y Knight, B Sandler, Mrs P Smith and Ms S Watson

1. ELECTION OF CHAIRMAN FOR THE MEETING

To elect a chairman for the meeting.

2. APOLOGIES FOR ABSENCE

3. NOTES OF THE LAST MEETING (Pages 5 - 10)

To agree the notes of the last meeting (attached).

4. ISSUES ARISING FROM THE LAST MEETING/PROGRESS

5. COMMENTS WEBCAST AT PLANNING COMMITTEES

To discuss recent appeal cases where officers recommendations have been overturned by the committee, and Members comments on webcast being used by the appellant as evidence against the Council on grounds of unreasonable decision making.

To discuss how officers on duty at the meetings and the Chairman could make it clear that non-planning related comments are not material to the final decision, so as to ensure that the final decision is a defensible reasons for refusal and not to be open to a cost claim, should the application go to appeal.

6. DEALING WITH MOTIONS TO REFUSE PLANNING PERMISSION

During a recent claim for costs against the Council in respect of an appeal where the committee reversed the officer's recommendation, the appellant's agent was critical of procedures at the Plans Subcommittee. Whilst this was partly a procedural matter regarding the need for the minutes of the meeting to make clear that the final decision was made contrary to the officer recommendation, there was no summarisation of the main reasons for the proposed recommendation to refuse planning permission before the matter was put to the vote.

It is essential in such cases that the following procedure is followed:

- (1) A motion to refuse an application is put (with valid planning considerations) by a member of the Subcommittee;
- (2) That motion is formally seconded by another member; (if not seconded motion falls at that point without debate);
- (3) A debate about the motion to include:
 - (a) Comments from the Committee on the motion;
 - (b) Comments from the Planning Officer about the appropriateness of the reasons given/clarification of members' wishes;
 - (c) Opportunity for the mover/seconded to speak to their motion
- (4) Chairman summarises discussion and rehearses reasons for refusal;
- (5) Chairman calls for vote;
Chairman and officers need to confer to ensure that any of the suggested reasons for refusal are sound and defensible on appeal, before allowing the committee vote to take place.
- (6) Vote and reasons recorded by Committee Officer and repeated in the minutes of that meeting.

7. SITE VISITS BEFORE AREA PLANS COMMITTEE MEETINGS

Particularly at Area Plans Sub-Committee East, planning applications are deferred at the meeting to allow a members site visit to take place. Following the pre-arranged Member site visit in respect of the Retail Park planning application at Langston Road, Loughton earlier this year and following a recent meeting of Planning Services Scrutiny Standing Panel, it was suggested that in the case of major, "on balance" or more contentious planning applications, Members site visits should automatically be arranged by officers before the meeting takes place.

This would allow Members to have a greater understanding of the site and the potential impact of the proposed development on the surrounding area and amenity. It would however, take up more officer time, particularly if done during outside of normal working hours and may not be supported if done at weekends, which is the current

situation when a site visit is required.

Officers are rarely contacted by Members prior to meeting taking place, despite the planning officer's details being at the end of the committee report. If the site visit option is not supported, Members are urged to seek clarification on the application in this way, or indeed at any time during the course of the planning application. It is of course good practice for Members to look at the sites on the agenda before they attend the meeting and this can and believe, is done by many Members such that a more formal site visit may be unnecessary.

8. INFORMATION AND PLANS AVAILABLE TO MEMBERS BEFORE AREA PLANS COMMITTEES

Councillor Bassett has previously requested that hard copies of planning documents are made available for Members to view, prior to the committee meeting taking place. In particular, given third party representations are summarised in the committee report, Members may wish to read the letters in full so that their concerns can be fully understood. Also, reports can sometimes make assumptions on the facts and reading through documents would help to clarify concerns raised by neighbours, for example. Also, officers occasionally receive late items after the agenda has been published and again these should be available for Members to read before the meeting starts.

If anything, the Planning and Economic Directorate has in recent years been reducing the need to copy more plans, documents etc. and saved on resources by reducing photocopying plans, documents etc and instead scanning and uploading documents onto the website and the Council's document storage. Given the presenting officer to committee needs the planning file containing plans, documents and letters for the pre-committee meeting, a further copy would need to be made which would be uneconomic and ultimately wasteful. This will be difficult, particularly for Area Plans Committee South who meet at Roding Valley School in Loughton where there is limited alternatives.

The committee reports do present facts, summary of representations and an assessment of the planning issues, taking into account all material planning considerations. This helps to keep the focus of the report on the relevant issues, preventing the reports being too long, complex and convoluted. The plans are viewable on the website and all reports have a quick link to the planning application plans on the website. The report also gives the details of the officer to contact at the end of the report should Members have queries or require further information. Unfortunately, this appears to be being under-used. On request, late copies can be e-mailed beforehand.

The Business Manager is also currently looking into ways of making letters of objections on planning applications viewable to Members from their own computers via information@work, preventing the need for hard copies to be produced.

9. IMPROVING THE DECISION MAKING PROCESS

Councillor Sandler has raised that there are still occasions where the quality of information forming part of a planning application, particularly the lack of a street scene elevation, is occurring.

It is a requirement of this Council's planning application validation that applications for

a two storey side extensions, new or replacement houses and other stand alone new buildings should be shown in the context of the immediate neighbouring buildings. Should officers not pick this up, the local council's should bring this to the attention of the planning officer's to seek this information and a response given following consideration. However, officers have been reminded to not validate a planning application without the street scene elevation, when considered necessary.

10. FUTURE NEED FOR THIS MEETING

It is just over 18 months since the last meeting and the matters raised here could otherwise form part of the items discussed at Planning Services Scrutiny Standing Panel, which meets more often and are timetabled throughout the year.

Officers are suggestion therefore that matters arising from meetings of the Development Control committees could instead form part of the terms of reference of the Planning Services Scrutiny Standing Panel.

11. ANY OTHER BUSINESS

Members to raise any other matter of business