

## 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

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### **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](mailto: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

# Agenda Item 3

**EPPING FOREST DISTRICT COUNCIL**  
**NOTES OF A MEETING OF MEETING OF DEVELOPMENT CONTROL CHAIRMEN AND**  
**VICE CHAIRMEN**  
**HELD ON THURSDAY, 10 FEBRUARY 2011**  
**IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING**  
**AT 7.30 - 9.30 PM**

**Members Present:** B Sandler (Chairman DDCC), A Boyce (Chairman Area Plans East), K Chana (Vice Chairman Area Plans South), Mrs D Collins (Cabinet Representative), Mrs R Gadsby (Vice Chairman Area Plans West), J Hart (Chairman Area Plans South), G Mohindra (Vice Chairman DDCC), J Philip (Chairman, Planning Scrutiny Panel), Ms S Stavrou (Cabinet Representative), H Ulkun (Vice Chairman, Planning Scrutiny Panel) and J Wyatt (Chairman Area Plans West)

**Other members present:** -

**Apologies for Absence:** A Green

**Officers Present** N Richardson (Assistant Director (Development Control)), S G Hill (Senior Democratic Services Officer) and J Preston (Director of Planning and Economic Development)

**Also in attendance:** -

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## 1. ELECTION OF CHAIRMAN FOR THE MEETING

**Resolved:**

That Councillor Sandler be appointed Chairman for this and future meetings.

## 2. MINUTES

**Resolved:**

That the notes of the meeting held on 2 August 2010 be agreed as a correct record.

## 3. REPORT OF DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT - VISITS TO PLANNING SUBCOMMITTEES

A report by the Director of Planning and Economic Development was received. The improvements to the display of plans and photographs at meetings including the proposal by officers to link to their planning records in meetings for research purposes. This couldn't be achieved at the Area Plans South meeting due to its location. It was considered that it would be appropriate to the Planning Scrutiny Panel to review and report further on Area Plans South and savings potential.

Members also requested further guidance to be published in the Members Bulletin on declarations of Interests made at meetings. Members also requested that the

Planning Protocol be reviewed in an attempt to make the declaration process easier with potential for standard wording to be used.

Members expressed the an opinion that the Council were still not securing appropriate sums under Section 106 Agreements. The Assistant Director pointed out that sums for S106 agreements had to be evidence based or would fail at any appeal situation. Pre-application discussions with members helped. It was agreed that Officers would prepare a report for the Planning Scrutiny Panel on S106 sums agreed and subsequently received and to allow a fuller discussion on what could be included in such agreements.

**Agreed:**

- (1) That a review report on Area Plans South be prepared for the Planning Scrutiny Panel;
- (2) That guidance be published in the Members Bulletin on declarations of Interests made at meetings;
- (3) That the Planning Protocol be reviewed in an attempt to make the declaration process easier; and
- (4) That the Director of Planning and Economic Development report to the Planning Scrutiny Panel on Section 106 Agreements.

**4. PLANNING OFFICERS DISCUSSION WITH APPLICANTS**

It was noted that an issue had been discussed at Area Plans South where there had been confusion about how applicants perceived officers views on applications. Planning Officers had been reminded to tell applicants when decisions would be subject to member decision. It was, however, a matter of applicants perception which members were asked to bear in mind when comments about such discussion were made by applicants at meetings.

**5. TRAINING ISSUES - PERMITTED DEVELOPMENT AND CERTIFICATE OF LAWFUL DEVELOPMENTS**

It was noted that all three Area Subcommittees had received training on PD and CLD matters. It was agreed that these items should form part of the Introduction to Planning training course. Additionally it was agreed that the Planning Section of the Bulletin be used to highlight CLD applications and that officers would look at website pages to try to signpost advice on these matters better for both members and the public.

**Agreed:**

N Richardson to consider

**6. ISSUES FOR DEVELOPMENT CONTROL CHAIRMEN MEETING RAISED AT A RECENT MEETING OF A REVIEW SUB-COMMITTEE OF THE STANDARDS COMMITTEE**

A recent Standards Committee complaint had been made relating to a planning meeting. The Review Subcommittee had been asked to look at the complaint and

had dismissed it but had considered that there were some practical improvements that could be made to the meetings.

The meeting agreed proposals for Chairing of Meeting training for members being included in this years Training Prospectus and for Chairman to summarise decisions taken at the end of each item for the benefit of those present.

They decided that Chairman should retain discretion to admit photographs at meetings as an exception if they felt they would aid members deliberations. No written material would be admitted at meetings and officers were instructed to tell the public not to attempt to submit documents at meetings.

## **7. RETENTION OF BUNGALOWS**

The Group noted that this item had come forward at the last meeting due to concerns over recent planning applications to rebuild individual bungalows, primarily in Theydon Bois, which it was claimed are required, particularly by elderly persons.

It was noted that there was no policy statement, either at local or national level that supported the contention that bungalows are required to meet the needs of elderly people.

The Planning Directorates Forward Planning Team had clearly advised Officers that there was no evidence base upon which to gauge the need for bungalows anywhere in the District or in the District as a whole.

Even if such need was demonstrated, there was no evidence to demonstrate that the proposal would contribute to any harmful loss of bungalows. Planning records showed that monitoring this issue since 1 April 2005, planning permission had been given to erect 5 bungalows in Theydon Bois. During the same period planning permission has been given for developments that resulted in the loss of 10 bungalows, resulting in a net loss of 5 bungalows in Theydon Bois. During the same period, Building Control records show only 3 bungalows were actually lost.

In summary, and as evidenced in a recent case, the initial case to defend a reason for refusal on the loss of a bungalow was unlikely to be supported and open to a claim for costs against the council should an appeal be lodged.

## **8. EFFECT OF LOCALISM ON PLANNING**

The Group noted that the Localism Bill had recently had its 10<sup>th</sup> sitting in the Commons. This Bill would bring forward a number of measures which would effect planning including Neighbourhood Development Plans and community right to build. The Group had before them a report that had been discussed at the LDF Cabinet Committee on 7 February 2011. It was considered that such Neighbourhood Plans could require significant officer resources to produce.

Members were invited to consider any views that they had on the document and forward them to the Director of Planning in advance of the next Planning Scrutiny Panel meeting on 3 March 2011.

Councillor Collins outlined issues around development in the area of Harlow and surrounding areas. Any new homes built on Epping Forest District sites would need careful consideration. The Government had announced a New Homes Bonus for such new developments.

Councillor Collins also reported that she had attended a LEP meeting at Dartford. It was apparent that funding under the LEP would require bids rather than being apportioned by area. Councillor Collins would keep members informed of progress on this matter.

## 9. DEFERRED/DEFENDABLE PLANNING APPLICATIONS

The Group noted that occasionally, planning applications were deferred to seek further clarification, consultation or even a Member site-visit, before being reported back to a subsequent meeting. This meant that the planning application did not achieve a timely decision and impacted on annual performance targets.

Additionally, officer recommendations overturned by Members at planning committees also impacted on performance target LPI 45 (appeals). The Group acknowledged that the performance was a target not only for officers but also for Members.

## 10. ANY OTHER BUSINESS

### (a) Street Scene Plans

Councillor Sandler indicated that some applications seen at Chigwell Parish Council still did not have street scene plans. This made it difficult for members to determine the impact of proposals. N Richardson indicated that such plans were asked for when proposals related to new house building or two storey extensions. Officers undertook to review procedures to ensure that plans were available.

**Action: N Richardson**

### (b) Planning Appeals

The Group discussed recent Planning Appeals. It was considered that it would be a good idea that Officers met with Local Council's in advance of Appeals to outline what issues could form part of planning arguments and to take a local prospective. This procedure was already carried out for local District Members.

Members also asked for early notification of Appeals through the Members Bulletin.

**Action: N Richardson**

### (c) Calendar of Meetings – Effect on Performance

N Richardson reported that the Council would shortly be considering its Calendar of Meetings for the period May 2011 to May 2012. This would include proposals for changing the current three week planning cycle of Subcommittee meeting to four weeks. The Group noted that whilst the effect on minor applications was slight, the likely change for major applications (which were less in number) was more significant. Councillor Stavrou reported that applicants for larger schemes would rather have a considered application process rather than one that met the current performance timescale. It was agreed that if the Director of Planning brought forward a report to the Finance and Performance Management Scrutiny Committee about these targets members would give the current targets more consideration.



**Action: J Preston**

(d) Frequency of meetings

It was agreed that future meetings would be business driven and aimed at six monthly intervals.

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