

Select Committee Agenda



Governance Select Committee Tuesday, 1st December, 2015

You are invited to attend the next meeting of **Governance Select Committee**, which will be held at:

**Committee Room 1, Civic Offices, High Street, Epping
on Tuesday, 1st December, 2015
at 7.00 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

M Jenkins democraticservice@eppingforestdc.gov.uk (01992
56 4607)

Members:

Councillors T Church (Chairman), Y Knight (Vice-Chairman), D Dorrell, L Hughes, S Jones, H Kauffman, M McEwen, B Sandler, S Watson, J M Whitehouse and D Wixley

SUBSTITUTE NOMINATION DEADLINE:

18:00

1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

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

3. DECLARATIONS OF INTEREST

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

In considering whether to declare a pecuniary or non-pecuniary interest under the Code of Conduct, Overview and Scrutiny members are asked to pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a pecuniary or non-pecuniary interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub-Committee of the Council, a Joint Committee or Joint Sub-

Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

4. NOTES OF PREVIOUS MEETING (Pages 3 - 8)

To agree the notes of the last select committee meeting held on 6 October 2015 (attached).

5. TERMS OF REFERENCE AND WORK PROGRAMME (Pages 9 - 10)

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Select Committee. This is attached along with an on-going Work Programme. Members are asked to review both documents at each meeting.

6. KEY PERFORMANCE INDICATORS 2015/16 - QUARTER 2 PERFORMANCE (Pages 11 - 24)

(Director of Governance) To consider the attached report and appendix.

7. EQUALITY OBJECTIVES 2012-2016 Q2 PROGRESS 2015-2016 (Pages 25 - 38)

(Director of Governance) To consider the attached report and appendix.

8. CHAIRMAN'S EXPENDITURE AND ALLOWANCES (Pages 39 - 42)

(Director of Governance) To consider the attached report.

9. PLANNING APPEALS PERFORMANCE (Pages 43 - 78)

(Director of Governance) To consider the attached report and appendices.

10. DATE OF NEXT MEETING

The next scheduled meeting of the Select Committee will be held on Tuesday 2 February 2016 in Committee Room 1 and thereafter on:

- Tuesday 5 April

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF GOVERNANCE SELECT COMMITTEE
HELD ON TUESDAY, 6 OCTOBER 2015
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 8.55 PM**

Members Present: Councillors T Church (Chairman), Y Knight (Vice-Chairman), D Dorrell, L Hughes, H Kauffman, M McEwen, S Watson, J M Whitehouse, D Wixley, J Knapman and A Lion (Technology and Support Services Portfolio Holder)

Other members present: Councillor J Philip (Governance & Development Portfolio Holder)

Apologies for Absence: Councillors S Jones and B Sandler

Officers Present N Richardson (Assistant Director (Development Management)), B Copson (Senior Performance Improvement Officer), S Tautz (Democratic Services Manager)

9. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Director of Governance reported that Councillor A. Lion was substituting for Councillor S. Jones at the meeting, and that Councillor J. Knapman was in attendance as substitute for Councillor B. Sandler.

10. DECLARATIONS OF INTEREST

There were no declarations of interest made by members of the Select Committee pursuant to the Council's Code of Member Conduct.

11. NOTES OF PREVIOUS MEETING (7.7.15)

The notes of the meeting of the Select Committee held on 7 July 2015 were agreed as a correct record, subject to the inclusion within the Committee's work programme for 2015/16, of a review of the Council's approach to pre-application workload and activity in relation to development management issues, and the identification of opportunities for greater member involvement in local pre-application processes (Note 6 – 7.7.15).

12. TERMS OF REFERENCE & WORK PROGRAMME 2015/16

The Select Committee noted its terms of reference that had been agreed by the Overview and Scrutiny Committee at its meeting on 21 July 2015.

Members noted the current position with regard to progress against the work programme for the Select Committee for 2015/16, a number of items from which had either already been completed or were included in the agenda for consideration at the meeting.

The Assistant Director of Governance (Development Management) suggested that, with regard to item (6) (Planning Appeals Performance) of the work programme, a report be brought to the next meeting to review lessons learned from a sample of recent appeal decisions where the views of the Planning Inspectorate had been both

significantly at odds with the original decision of the Council in respect of specific planning applications, and also where the views of the Inspectorate had been broadly in line with the Council's decision on particular applications.

13. SECTION 106 AGREEMENTS - MONITORING REPORT 2014/15

The Assistant Director of Governance (Development Management) presented a report setting out all Section 106 Agreements entered into during 2014/15, and details of the benefits realised throughout the year from previous agreements, including monies received where development had commenced. Members noted that an annual report in this respect had previously been made to the former Planning Services Scrutiny Panel.

The Select Committee was reminded that Section 106 of the Town and Country Planning Act 1990 allowed a local planning authority to enter into a legally-binding agreement or planning obligation (known as a Section 106 Agreement or a developer contribution, planning contribution or planning agreement) with a land owner/developer in relation to an issue related to the grant of planning consent for particular development. Members were advised that Section 106 Agreements often took considerable time to conclude, particularly where intended benefits were of a complex nature or when the enforcing of provisions needed to be especially robust.

Members noted that Section 106 Agreements acted as the main instrument for placing restrictions on development, often requiring the mitigation of site specific impacts. Agreements could be sought in situations where planning conditions were inappropriate to ensure or enhance the quality of development and to enable proposals that might otherwise have been refused planning permission to proceed in a sustainable manner. Members were reminded that Section 106 Agreements must always be relevant to and proportionate to the scale and kind of related development and could be used to deliver:

- (a) affordable housing;
- (b) necessary highway works;
- (c) public open space;
- (d) the restoration of listed buildings; and
- (e) off-site infrastructure.

The Assistant Director of Governance emphasised that agreements could not be used simply to generate monetary resources for the public purse, as this might result in accusation that the Council was 'selling' planning permission, and that agreements could also not be used to secure benefit unrelated to specific development. Members noted that Section 106 Agreements could therefore only be applied to meet the following tests:

- (a) be necessary to make development acceptable in planning terms;
- (b) be directly related to the proposed development; and
- (c) be fairly and reasonably related in scale and kind to the proposed development.

The Select Committee was concerned that the report presented by the Assistant Director of Governance did not illustrate any backlog of Section 106 Agreements that were currently still requiring completion, particularly as some of the benefits achieved in the last year actually related to agreements that had been concluded over twelve years previously. Members considered that, without a complete overview of the progress of all agreements currently in preparation, they were unable to give proper scrutiny to the process. Several members also expressed the view that effective

scrutiny of Section 106 arrangements required a thorough understanding of how and where monies arising from agreements were intended to be spent and appropriate timescales for the collection of relevant monies and the realisation of the associated benefits.

The Assistant Director of Governance (Development Management) reported that the Council had not returned any monies arising from completed Section 106 Agreements, where this had yet to be spent, and that no requests in such respect had ever been received from developers. The Assistant Director advised the Select Committee that the eligibility criteria for Section 106 contributions secured through the planning system were set out in the Community Infrastructure Levy (CIL) Regulations 2010 and National Planning Policy Framework, which were intended to address any local infrastructure 'gap' and that the need for Section 106 Agreements to be entered into should become less, if the Council were to adopt a local approach to the CIL.

RECOMMENDED:

That in view of the concerns expressed by the Select Committee with regard to its ability to undertake full and effective end-to-end scrutiny of the Section 106 Agreement process, it be recommended to the Overview and Scrutiny Committee that all annual reports detailing agreements entered into and completed during each year, be made in future to the District Development Management Committee.

14. KEY PERFORMANCE INDICATORS 2015/16 - QUARTER 1 PERFORMANCE

The Select Committee was reminded that a range of Key Performance Indicators (KPI) for 2015/16 had been adopted by the Finance and Performance Management Cabinet Committee in March 2015. The KPI were important to the improvement of the Council's services, and comprised a combination of former statutory indicators and locally determined performance measures. The aim of the KPIs was to direct improvement effort towards local services and national priorities. Members noted that progress in respect of each of the KPIs was reviewed by the relevant Portfolio Holder, Management Board, and the relevant select committee at the conclusion of each quarter.

The Senior Performance Improvement Officer introduced a first-quarter performance summary in respect of each of the KPI falling within the Select Committee's areas of responsibility, together with details of the specific three-month performance for each indicator. The Senior Performance Improvement Officer, reported that, in response to feedback previously received from the former scrutiny panels, the indicator dashboards now included additional performance to enable enhanced member scrutiny of performance. The improvement plans for the suite of indicators for 2015/16 were also presented to the Select Committee.

Members noted that the overall position with regard to the achievement of target performance for the KPI within the responsibilities of the Select Committee at the end of the first quarter of the year, was:

- (a) 3 (60%) indicators achieved had achieved the first quarter target;
- (b) 2 (40%) indicators had not achieved the first quarter target; and
- (c) 1 (20%) indicator had performed within its tolerated performance margin.

The Senior Performance Improvement Officer reported that overall, 22 (61%) of the Council's total suite of KPI had achieved target performance at the end of the first quarter of the year. The Select Committee requested that appropriate context be provided for the reporting of target achievement in future quarters, to provide an indication of whether the level of achievement was actually considered to be satisfactory performance, given the challenges presented by the social, economic and environmental context of the district.

The Assistant Director of Governance (Development Management) advised the Select Committee that new provisions allowing an extension of time to be agreed for the determination of planning applications, were beginning to bed in, and also helped to achieve the determination of applications in accordance with the cycle of Area Plans Sub-Committee meetings. Members expressed concern however, that extensive use of these new provisions could have the effect of masking unacceptable performance against the determination of applications within the normal statutory eight and thirteen-week timescales. The Assistant Director of Governance was requested to address the concerns of the Select Committee when reporting performance against the relevant KPI in future quarter periods.

The Select Committee was advised that KPI GOV004 (Major Planning Applications) had achieved target performance for the first quarter of the year. The Assistant Director of Governance reported that it was anticipated that performance against the remaining KPI related to the timely determination of planning applications (GOV005 (Minor Applications) and GOV006 (Other Applications)) would have improved by the end of the second quarter of the year, and that the available resources within the Development Management Section were currently considered appropriate. Members requested that the Assistant Director of Governance undertake an analysis of a sample of reasons for the deferral of applications from consideration by the Area Plans Sub-Committees, which were not always considered to be at the instigation of the Council, to support the achievement of improvement in respect of KPI GOV005 and GOV006.

It was reported that first quarter performance against KPI GOV007 and GOV008 (Planning Appeals) was also satisfactory, but that appeal decisions appeared not to be always being issued on a timely basis by the Planning Inspectorate at the present time.

RESOLVED:

That performance for the first quarter of 2015/16 in relation to the Key Performance Indicators within the areas of responsibility of the Select Committee, be noted.

15. PUBLIC SECTOR EQUALITY DUTY - EQUALITY INFORMATION REPORT 2015/16

The Select Committee was advised that the Equality Act 2010 required that all authorities subject to the Public Sector Equality Duty (PSED), must publish equality information annually to demonstrate compliance with the duty.

The broad purpose of the PSED required the Council to integrate consideration of equality and good relations into its day-to-day business, positively contribute to the advancement of equality and fairness, and to reflect equality considerations into the design of policies and the delivery of services. The Senior Performance Improvement Officer reported that the review and monitoring of performance against

the equality duty helped the authority to comply with its legal requirement; and to provide inclusive services.

Members noted that the Council had published its last equality information report in July 2014, and considered a draft report for 2015/16 setting out the progress made over the last year to improve its services and employment practices for people with protected characteristics. The Senior Performance Improvement Officer reminded members that the Council's progress against the PSED was monitored on a bi-annual basis by Management Board and the Select Committee to ensure compliance and drive improvement in performance, and that a new suite of corporate equality objectives was currently being developed for 2016 to 2020.

The Select Committee congratulated the Senior Performance Improvement Officer on the development of the equality information report for 2015/16, which set out the Council's many initiatives and achievements in a clear and extremely effective way. Members also suggested a number of areas for possible inclusion in the report going forward, including the provision of services for young people and individuals leaving local authority care. Several members also expressed support and encouragement for participation in the equality-related programmes offered to councillors as part of the annual member training and development programme.

RESOLVED:

That the Council's Equality Information Report for 2015/16 be agreed.

16. DATE OF NEXT MEETING

Members noted that further meetings of the Select Committee would be held on the following dates during the remainder of the current municipal year:

1 December 2015;
2 February 2016; and
5 April 2016.

The Select Committee agreed that the meeting to be held on 1 December 2015 would commence at 7.00pm.

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SELECT COMMITTEES

TERMS OF REFERENCE 2015/16

Title: Governance Select Committee

Status: Select Committee

1. To undertake the overview and scrutiny, utilising appropriate methods and techniques, of services and functions of the Governance Directorate, excluding those matters within remit of the Audit and Governance Committee, the Standards Committee or the Constitution Working Group;
2. To develop a programme of work each year, informed by relevant service aims and member priorities, to ensure that the services and functions of the Governance Directorate are appropriate and responsive to the needs of residents, service users and others;
3. To consider any matter referred to the Select Committee by the Overview and Scrutiny Committee;
4. To identify any matters within the services and functions of the Governance Directorate that require in-depth scrutiny, for referral to the Overview and Scrutiny Committee;
5. To establish working groups as necessary to undertake any activity within these terms of reference;
6. Where requested by the Overview and Scrutiny Committee, to examine and review call-in requests and the implementation of executive decisions;
7. More service specific proposals to be determined by the relevant lead officer.
8. To consider the effect of Government actions or initiatives on the services and functions of the Governance Directorate and any implications for the Council's residents, service users and others, and to respond to consultation activities as appropriate;
9. To undertake pre-scrutiny through the review of specific proposals of the Council and its partner organisations or other local service providers, insofar as they relate to the services and functions of the Governance Directorate, to help develop appropriate policy;

Performance Management

10. To undertake performance monitoring in relation to the services and functions of the Governance Directorate, against adopted key performance indicators and identified areas of concern;
11. To review relevant Key Performance Indicator (KPI) outturn results for the previous

year, at the commencement of each municipal year;

12. To identify on an annual basis, subject to the concurrence of the Finance and Performance Management Cabinet Committee:
 - (a) a basket of KPIs important to the improvement of the relevant to the service areas for which the Panel has scrutiny responsibility Council's services and the achievement of its key objectives,; and
 - (b) the performance targets for those KPIs for each year;
13. To review performance against the KPIs on a quarterly basis throughout each year, and to make recommendations for corrective action in relation to areas of slippage or under performance.

Equality

14. To review six monthly progress towards the achievement of the Council's equality objectives for 2012/13 to 2015/16, and progress in relation to other equality issues and initiatives.

Public Consultation and Engagement

15. To develop arrangements as required, for the Council to directly engage local communities in shaping the future direction of its services, to ensure that they are responsive to local need;
16. To annually review details of the consultation and engagement exercises undertaken by the Council over the previous year;

Chairman: Councillor T Church



Report to: Governance Select Committee

Date of meeting: 1 December 2015

Portfolio: Governance and Development Management (Councillor J. Philip)

Subject: Key Performance Indicators 2015/16 - Quarter 2 Performance

Officer contact for further information: B. Copson (01992 564042)

Democratic Services Officer: A. Hendry (01992 564246)
M. Jenkins (01992 564607)

Recommendations/Decisions Required:

That the Select Committee review performance against the Key Performance Indicators within its areas of responsibility, at the end of Quarter 2 (Q2).

Executive Summary:

The Local Government Act 1999 requires that the Council make arrangements to secure continuous improvement in the way in which its functions and services are exercised, having regard to a combination of economy, efficiency and effectiveness.

As part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPI) relevant to the Council's services and key objectives, are adopted each year by the Finance and Performance Management Cabinet Committee. Performance against the KPIs is monitored on a quarterly basis by Management Board and overview and scrutiny to drive improvement in performance and ensure corrective action is taken where necessary.

Reasons for Proposed Decision:

The KPIs provide an opportunity for the Council to focus attention on how specific areas for improvement will be addressed, and how opportunities will be exploited and better outcomes delivered. It is important that relevant performance management processes are in place to review and monitor performance against the key performance indicators to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of slippage or under performance.

Other Options for Action:

No other options are appropriate in this respect. Failure to monitor and review KPI performance and to consider corrective action where necessary could have negative implications for judgements made about the Council's progress, and might mean that opportunities for improvement are lost.

Report:

1. A range of thirty-six (36) Key Performance Indicators (KPIs) for 2015/16 was adopted by the Finance and Performance Management Cabinet Committee in March 2015. The KPIs are important to the improvement of the Council's services, and comprise a combination of some former statutory indicators and locally determined performance measures. The aim of the KPIs is to direct improvement effort towards services and the national priorities and local challenges arising from the social, economic and environmental context of the district.
2. Progress in respect of each of the KPIs is reviewed by the relevant Portfolio Holder, Management Board, and overview and scrutiny at the conclusion of each quarter. This report includes in detail only those indicators which fall within the areas of responsibility of the Governance Select Committee
3. A headline Quarter 2 performance summary in respect of each of the KPIs falling within the Governance Select Committee's areas of responsibility for 2015/16, is attached as Appendix 1 to this report together with details of the specific six-month performance for each indicator.
4. Improvement plans are produced for all of the KPIs each year, setting out actions to be implemented in order to achieve target performance, and to reflect changes in service delivery. In view of the corporate importance attached to the KPIs, the improvement plans are agreed by Management Board and are also subject to ongoing review between the relevant service director and Portfolio Holder over the course of the year. The Improvement Plans for indicators which have failed to reach target performance for the quarter are attached at Appendix 2 to this report.

Key Performance Indicators 2015/16 – Quarter 2 Performance

5. **All indicators** - The overall position with regard to the achievement of target performance for **all** of the KPIs at the end of Q2, was as follows:
 - (a) 26 (72%) indicators achieved target at the end of Q2;
 - (b) 10 (28%) indicators did not achieve the Q2 target; although
 - (c) 1 (10%) of indicators not achieving target performed within its tolerated amber margin.
 - (d) 26 (72%) indicators are currently anticipated to achieve their cumulative year-end target.
6. Five (5) of the Key Performance Indicators fall within the Governance Select Committee's areas of responsibility. The overall position with regard to the achievement of target performance at the end of Q2 for these 5 indicators, was as follows:
 - (a) 4 (80%) indicators achieved their Q2 target;
 - (b) 1 (20%) indicators did not achieve its Q2 target; and
 - (c) 0 (0%) indicators performed within their tolerated amber margin.
 - (d) 4 (80%) indicators are currently anticipated to achieve their cumulative year-end target.
7. The 'amber' performance status used in KPI reports identifies indicators that have missed the agreed target for the quarter, but where performance is within an agreed tolerance or range (+/-). The KPI tolerances were agreed by Management Board when targets for the KPIs were set in February 2015.
8. The Select Committee is requested to review second quarter performance in relation to the KPIs for 2015/16 within its areas of responsibility.

Resource Implications:

Resource requirements for actions to achieve specific KPI performance for 2015/16 will have been identified by the responsible service director/chief officer and reflected in the budget for the year.

Legal and Governance Implications:

There are no legal or governance implications arising from the recommendations of this report. Relevant implications arising from actions to achieve specific KPI performance for 2015/16 will have been identified by the responsible service director.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district. Relevant implications arising from actions to achieve specific KPI performance for 2015/16 will have been identified by the responsible service director.

Consultation Undertaken:

The performance information and targets set out in this report have been submitted by each appropriate service director and have been reviewed by Management Board. The individual KPI improvement plans for 2015/16 will be agreed by the Board.

Background Papers:

KPI submissions are held by the Performance Improvement Unit. Detailed performance data is held by the responsible service director.











Impact Assessments:***Risk Management***

There are no risk management issues arising from the recommendations of this report. Relevant issues arising from actions to achieve specific KPI performance for 2015/16 will have been identified by the responsible service director.

Equality:

There are no equality implications arising from the recommendations of this report. Relevant implications arising from actions to achieve specific KPI performance for 2015/16 will have been identified by the responsible service director.

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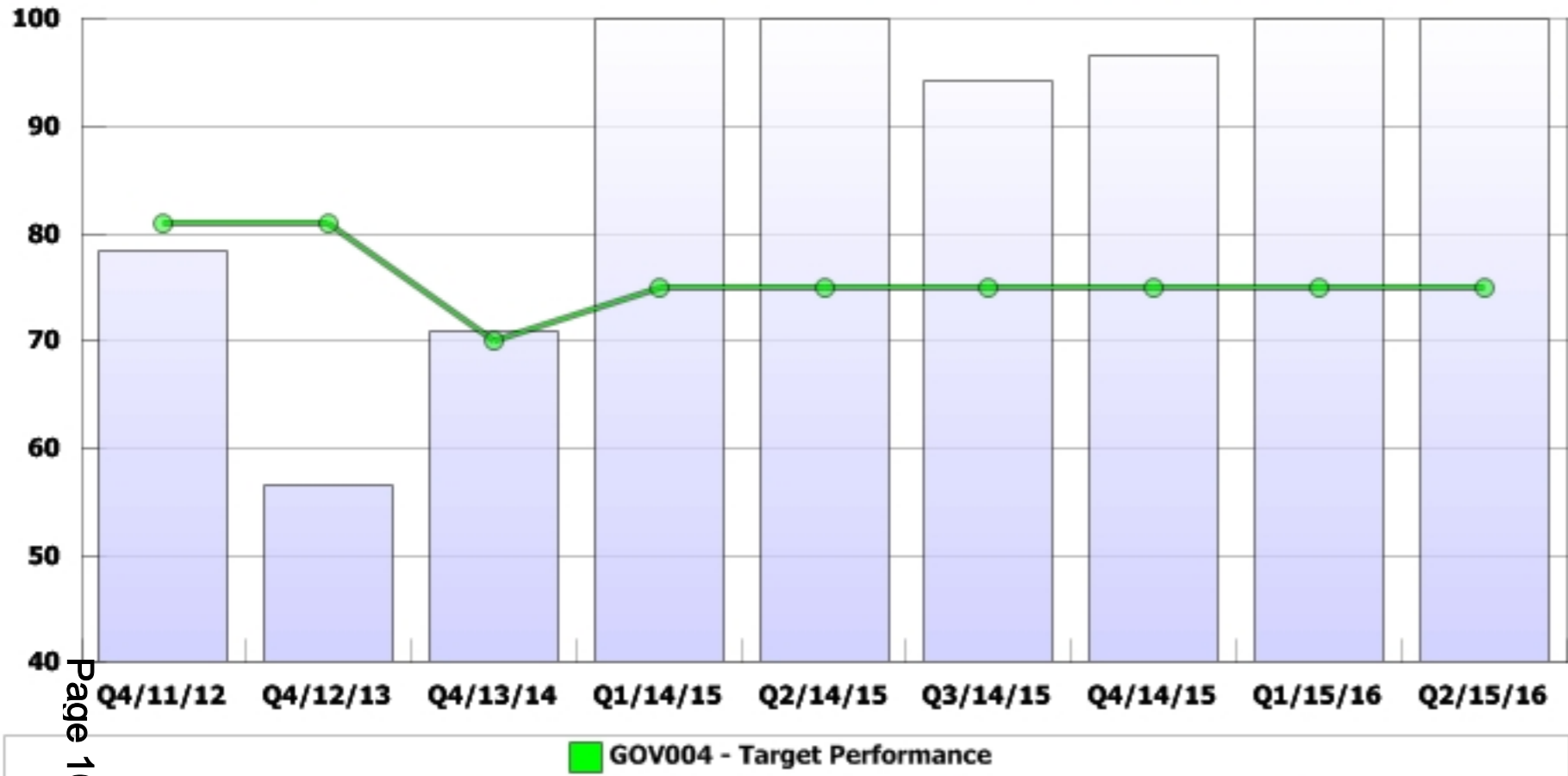
Quarterly Indicators		Quarter 1		Quarter 2		Quarter 3		Quarter 4		Is year-end target likely to be achieved?
		Tgt	Actual	Tgt	Actual	Tgt	Actual	Tgt	Actual	
Governance Quarterly KPIs										
GOV004	(Major planning) (%)	75.00%	100.00%		75.00%	100.00%		75.00%	75.00%	Yes
GOV005	(Minor planning) (%)	90.00%	84.62%		90.00%	91.13%		90.00%	90.00%	Yes
GOV006	(Other planning) (%)	94.00%	93.96%		94.00%	94.72%		94.00%	94.00%	Yes
GOV007	(Appeals - officers) (%)	19.00%	0.00%		19.00%	31.82%		19.00%	19.00%	Uncertain
GOV008	(Appeals - members) (%)	50.00%	50.00%		50.00%	50.00%		50.00%	50.00%	Yes

GOV004 What percentage of major planning applications were processed within 13 weeks?

Additional Information: This indicator ensures that local planning authorities determine major planning applications in a timely manner (within thirteen weeks).

For enquiries regarding this indicator contact the Performance Improvement Unit by email on performance@eppingforestdc.gov.uk or by telephone on 01992 564042.

Current and previous quarters performance



Quarter	Target	Actual	Status
Q2/15/16	75.00%	100.00%	✓
Q1/15/16	75.00%	100.00%	✓
Q4/14/15	75.00%	96.60%	✓
Q3/14/15	75.00%	94.40%	✓
Q2/14/15	75.00%	100.00%	✓

Annual 2015/16 - 75.00%
 Target: 2014/15 - 75.00%
 Indicator of good performance:
 A higher percentage is good
 ↑ is the direction of improvement

Is it likely that the target will be met at the end of the year?
 Yes



Comment on current performance (including context):

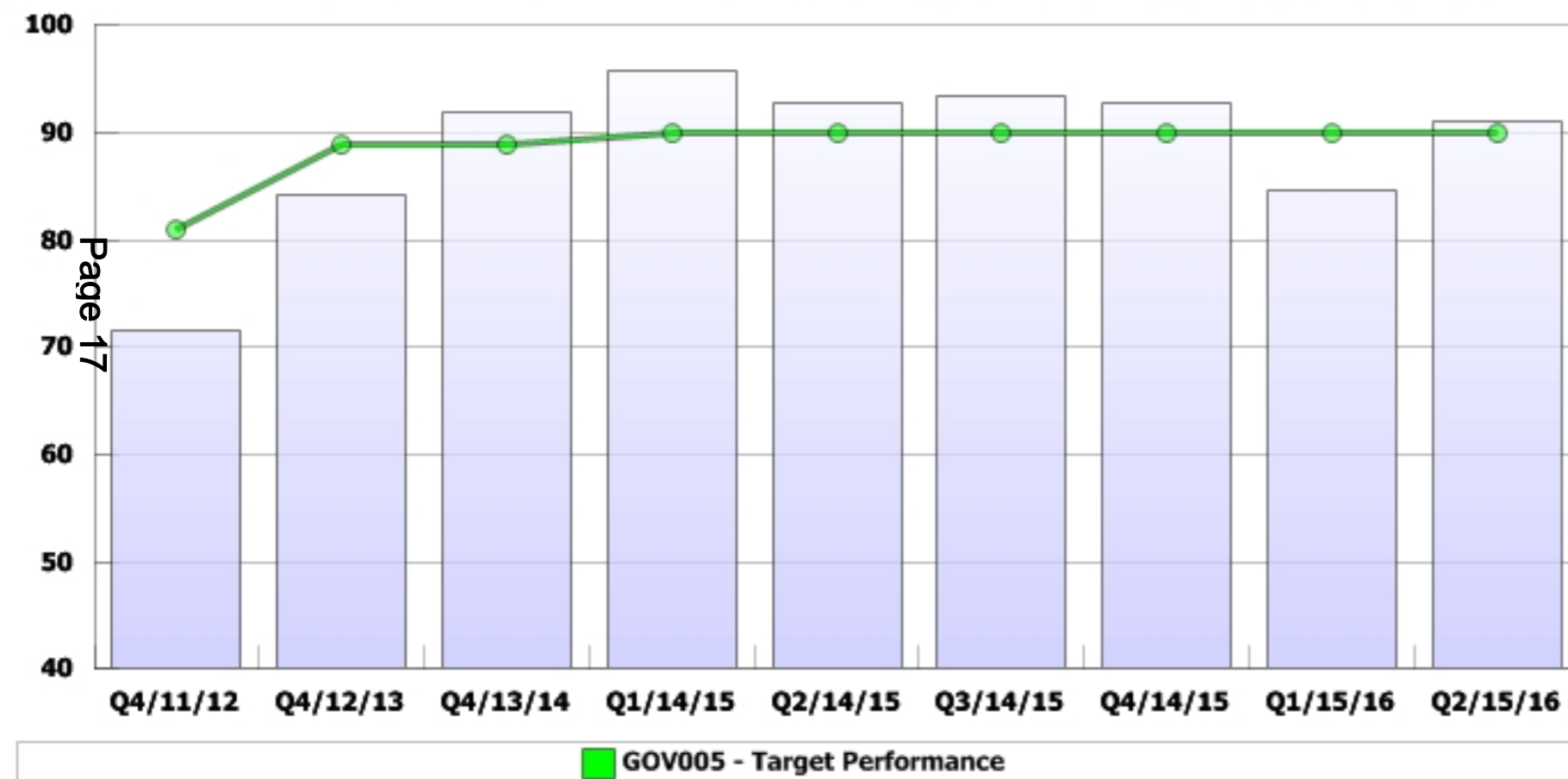
(Q2 2015/16) Major type applications represent only a small number of the overall number of planning applications received, but they are more complex and generally are reported to planning committees, so deadlines for decisions are tight. Because of this, the performance can be volatile, but with 21 out of 21 decided in time, the target has been achieved.

Corrective action proposed (if required):

Additional Information: This indicator ensures that local planning authorities determine 'minor' planning applications in a timely manner (within eight weeks).

For enquiries regarding this indicator contact the Performance Improvement Unit by email on performance@eppingforestdc.gov.uk or by telephone on 01992 564042.

Current and previous quarters performance



Quarter	Target	Actual	Status
Q2/15/16	90.00%	91.13%	✓
Q1/15/16	90.00%	84.62%	✗
Q4/14/15	90.00%	92.90%	✓
Q3/14/15	90.00%	93.46%	✓
Q2/14/15	90.00%	92.90%	✓

Annual 2015/16 - 90.00% (delegated)
 Target: 2014/15 - 90.00% (delegated)

Indicator of good performance:
 A higher percentage is good

↑ is the direction of improvement

Is it likely that the target will be met at the end of the year?

Yes



Comment on current performance (including context):

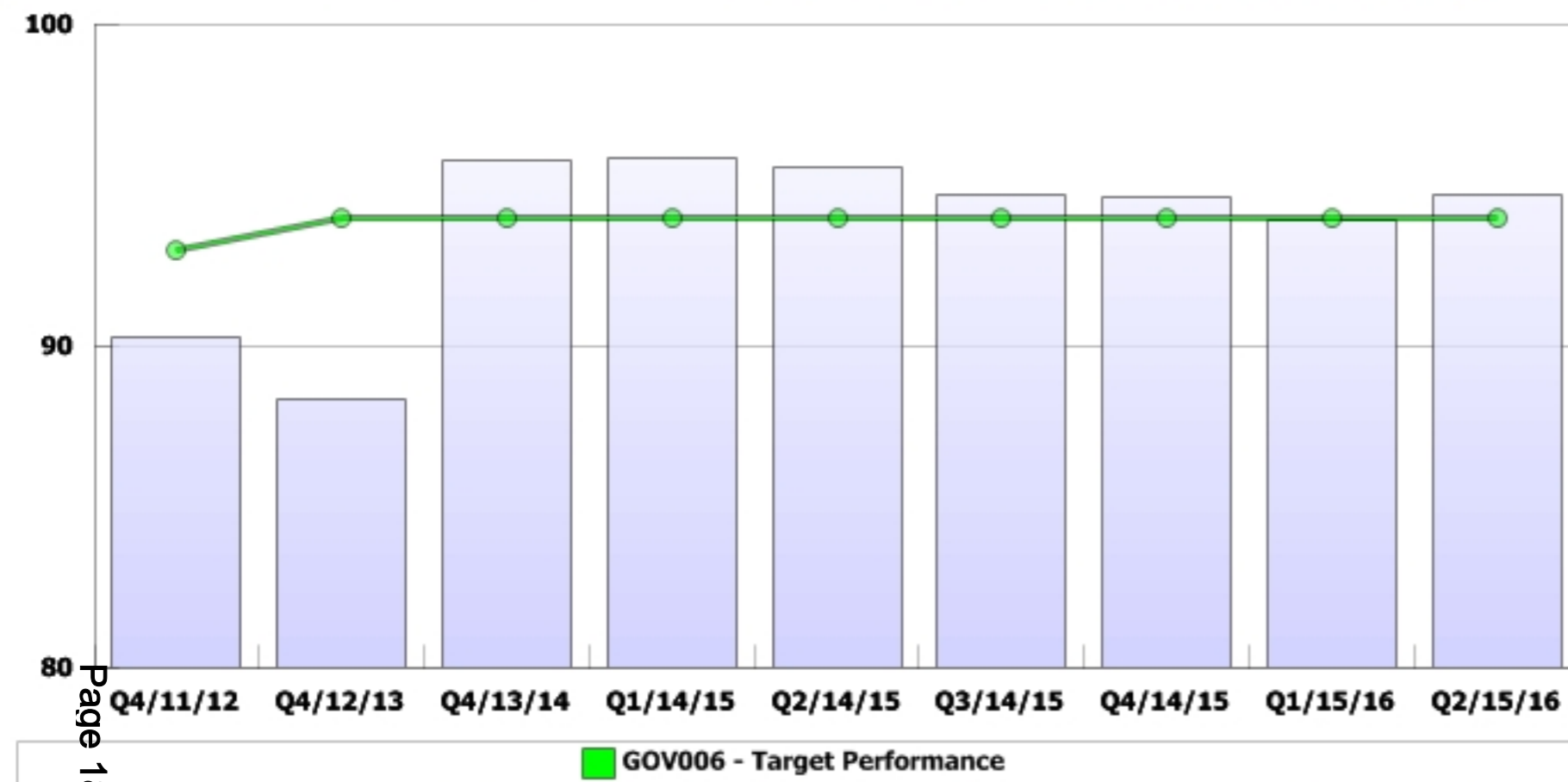
(Q2 2015/16) This covers planning applications that include 1 to 9 dwellings/ pitches per application as well as offices, light industry, general industry, storage, warehousing or retail floorspace under 10,000sq m or 1 hectare and other minor developments. 185 out of 203 applications were made in time across Q1 and Q2 and GOV005 is now achieving its target due to an improvement in performance in Q2.

Corrective action proposed (if required):

Additional Information: This indicator ensures that local planning authorities determine 'other' planning applications in a timely manner (within eight weeks).

For enquiries regarding this indicator contact the Performance Improvement Unit by email on performance@eppingforestdc.gov.uk or by telephone on 01992 564042.

Current and previous quarters performance



Quarter	Target	Actual	Status
Q2/15/16	94.00%	94.72%	✓
Q1/15/16	94.00%	93.96%	✗
Q4/14/15	94.00%	94.69%	✓
Q3/14/15	94.00%	94.78%	✓
Q2/14/15	94.00%	95.62%	✓

Annual Target: 2015/16 - 94.00% (delegated)
 2014/15 - 94.00% (delegated)

Indicator of good performance:
 A higher percentage is good

↑ is the direction of improvement

Is it likely that the target will be met at the end of the year?

Yes

Comment on current performance (including context):

(Q2 2015/16) GOV006 represents the highest number out of all planning application types decided, which now includes committee decisions. 627 out of 662 applications were decided in time for Q1 and Q2 in this category, which is within target following an improved Q2 performance.

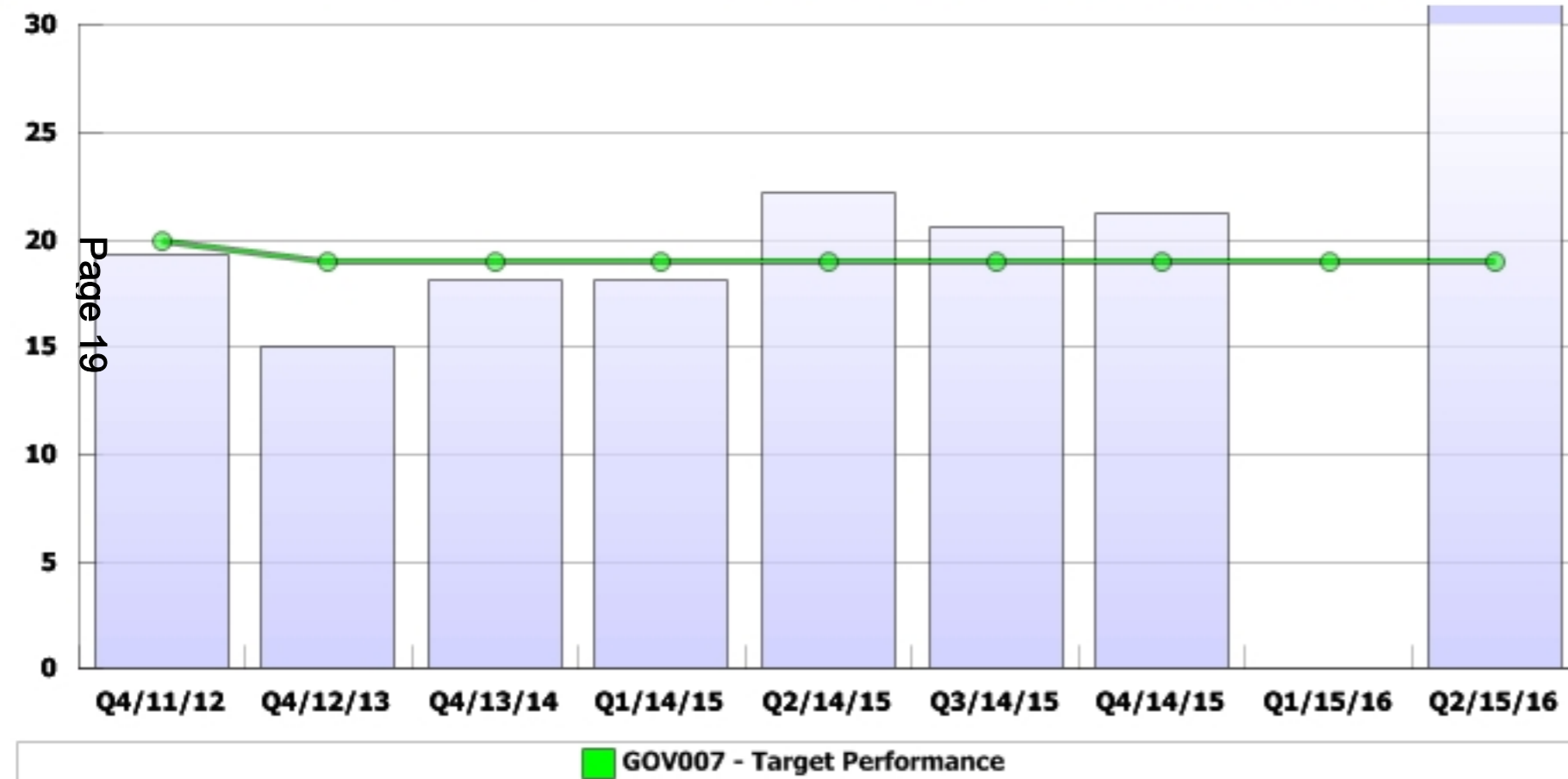
Corrective action proposed (if required):

GOV007 What percentage of planning applications recommended by planning officers for refusal were overturned and granted permission following an appeal?

Additional Information: This indicator is expressed as a percentage of the no. of appeals determined and seeks to assess the levels of applications that may be refused in order to meet development control performance targets. It measures the performance of only Officer Recommendations for refusal of planning permission

For enquiries regarding this indicator contact the Performance Improvement Unit by email on performance@eppingforestdc.gov.uk or by telephone on 01992 564042.

Current and previous quarters performance



Quarter	Target	Actual	Status
Q2/15/16	19.00%	31.82%	✗
Q1/15/16	19.00%	0.00%	✓
Q4/14/15	19.00%	21.28%	✗
Q3/14/15	19.00%	20.59%	✗
Q2/14/15	19.00%	22.22%	✗

Annual Target: 2015/16 - 19.00%
 Target: 2014/15 - 19.00%
 Indicator of good performance: A lower percentage is good
 ↓ is the direction of improvement

Is it likely that the target will be met at the end of the year?
 Uncertain

Comment on current performance (including context):

(Q2 2015/16) Of the 22 appeal decisions resulting from officer recommendations to refuse planning permission up to Q2, 7 were allowed on appeal. The allowed development types were too varied (advert, gypsy and traveller, higher density flats, vehicular crossover and household extensions) to draw conclusions at this stage from these cases as to what the outcome would be for similar future applications in the decision making process.

Corrective action proposed (if required):

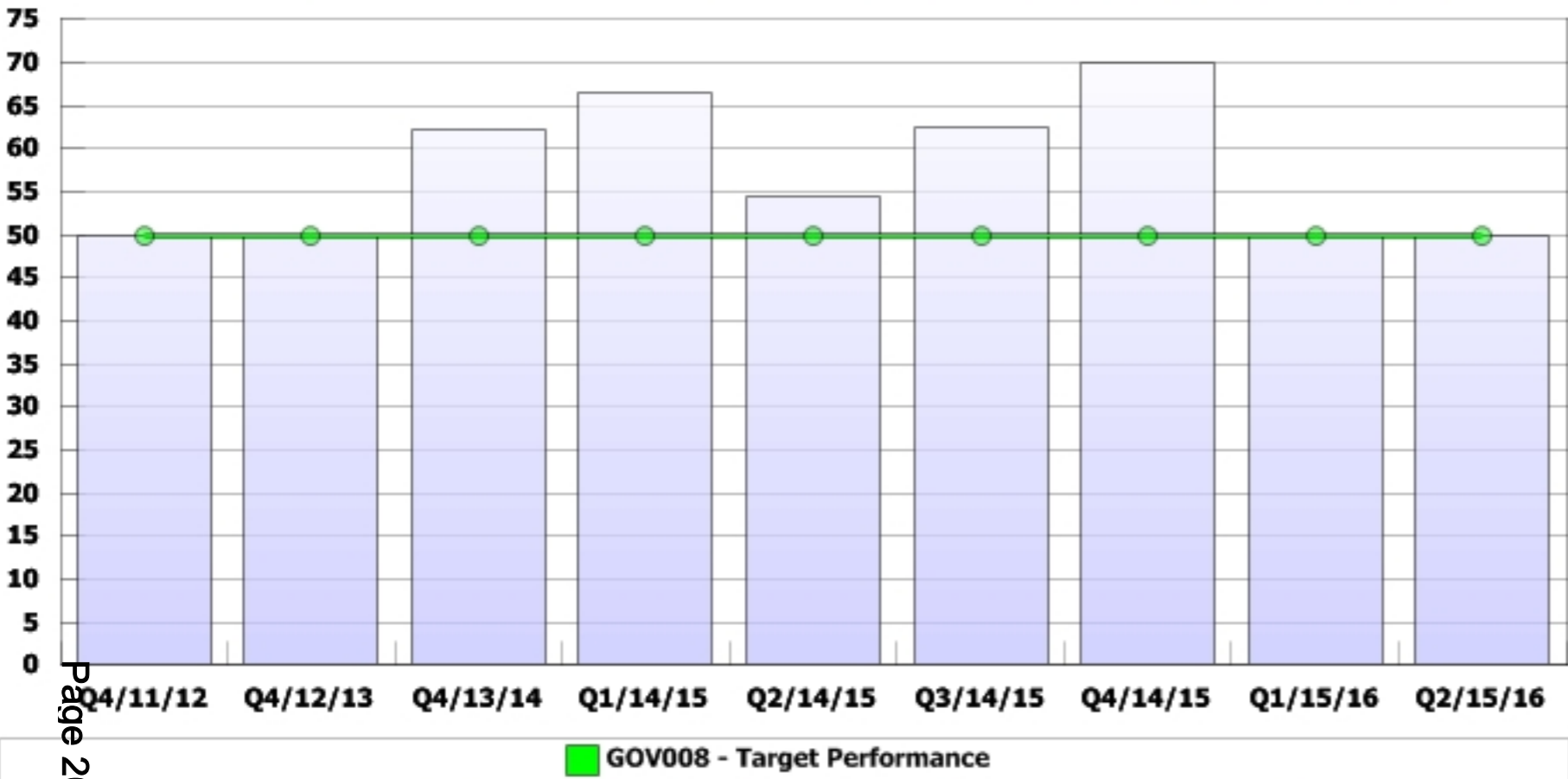
(Q2 2015/16) Governance Select Committee at their December 2015 meeting will be looking at some of these decisions to see what are the influencing factors in how these appeals have been lost and to improve appeal performance in the future.

GOV008 What percentage of planning applications, refused by Council Members against the planning officer's recommendation, were granted permission on appeal?

Additional Information: This indicator is expressed as a percentage of the no. of appeals determined and seeks to assess the levels of applications that may be refused in order to meet development control performance targets. It measures the performance of only Officer Recommendations for refusal of planning permission

For enquiries regarding this indicator contact the Performance Improvement Unit by email on performance@eppingforestdc.gov.uk or by telephone on 01992 564042.

Current and previous quarters performance



Quarter	Target	Actual	Status
Q2/15/16	50.00%	50.00%	✓
Q1/15/16	50.00%	50.00%	✓
Q4/14/15	50.00%	70.00%	✗
Q3/14/15	50.00%	62.50%	✗
Q2/14/15	50.00%	54.55%	✗

Annual 2015/16 - 50.00%
 Target: 2014/15 - 50.00%

Indicator of good performance:
 A lower percentage is good

↓ is the direction of improvement

Is it likely that the target will be met at the end of the year?
 Yes

Comment on current performance (including context):

(Q2 2015/16) Members decisions to refuse planning permission by reversing officer recommendations on planning applications were supported on appeal in 5 out of 10 cases, so that 50% (5) were allowed and therefore in target.

Corrective action proposed (if required):

GOV07 What percentage of planning applications recommended by planning officers for refusal were overturned and granted permission following an appeal?

Outturn			Target
2012/13	2013/14	2014/15	2015/16
15.10%	18.18%	21.28%	19.00%

Responsible Officer

**Colleen O'Boyle
Director of Governance**

Improvement Action	Target Dates	Key Measures / Milestones
At monthly Team Meeting of Development Control, assess why any appeal was allowed and whether judgement call by officers in refusing planning permission should next time be different.	November 2015	6 monthly report to members of Area Plans Cttees. Reduce number of appeals allowed.
Planning officer's refusal report state a way forward, if there is one, so as to encourage a resubmission under a new planning application rather than appeal.	Ongoing, review quarterly	Reduction in the number submitted and proportion of those appeal submitted being allowed.

Finely balanced planning applications decisions to be recommended for approval rather than refusal, particularly those decisions taken at officer delegated level.

As and when required.

Reduction in the number submitted and proportion of those appeal submitted being allowed.

Please detail any budget or resource implications of the improvement actions you have listed overleaf. Please quantify any additional resources which will be required to implement the improvements and detail how the additional resources will be allocated.

The current level of staffing and resources should be sufficient.

In respect of more complex planning appeal hearings or a public inquiries, there is a Professional Fees annual budget of £24,640, which, when required, pays for specialist advice to help the Council defend appeals. Such examples include, gypsy and traveller appeals, agricultural related cases and highway refusals where there is no highway objection from Essex County Council. Each year, there has been a need to use this consultancy resource, including, where necessary, helping Legal Services pay towards barrister fees.

Please describe any contextual factors, internal or external, which may impact upon the ability to deliver the improvements listed.

Full staff resource within the Development Control section is required to produce appeal statements on a strict time limit and attend hearing etc. All senior planning officers in Development Control have had hearing and public inquiry training.

Where external consultants are required to defend the Council's appeal, we use consultants who are familiar with Epping Forest District and despite the narrow time parameters set by the Planning Inspectorate, this has proved invaluable in helping to defend the appeal.

The reliance on internal staff, again in specialist areas across the Council and Essex County Council, is invaluable.



Key Performance Indicator Improvement Plans 2015/16

Guidance Notes

The Improvement Plans are intended to be relevant, targeted and effective in identifying improvement actions. They provide transparency around the actions being taken to improve performance, their success and timescales.

The improvement actions included in the plans should be **specific new actions** which will be taken in order to achieve an improvement in performance and which are in addition to the usual practices and procedures that have been implemented to date. The actions should be measurable and the method for measuring impact should be detailed. Timescale within which actions should take place and improvements achieved should be clearly set out.

Example:

Improvement Action: Implement postal campaigns to encourage take up of direct debit council tax payments at end of Q1 & Q3

Key measure: Increase in level of council tax collection

Milestones: Q2 & Q4 council tax collection returns

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Report to: Governance Select Committee

Date of meeting: 1 December 2015

Portfolio: Governance and Development Management (Councillor J. Philip)

Subject: Equality Objectives 2012-2016 – Q2 progress 2015/16

Officer contact for further information: Barbara Copson (01992 564042)

Democratic Services Officer: M Jenkins (01992 564607)

Recommendations/Decisions Required:

- (a) That the Select Committee review progress against the Council's Equality Objectives (2012-2016) up until September 2015, and other work to meet its statutory equality duties;
- (b) that the Select Committee note the draft equality objectives for 2016-2020, and bring forward any comments and suggestions for their development and delivery.

Executive Summary:

The Equality Act 2010 placed a number of responsibilities on the Council, including a Public Sector Equality Duty (PSED) to have due regard to equality in the exercise of its functions, to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who share a relevant characteristic and those who do not. Further specific responsibilities were introduced requiring the adoption of equality objectives to improve equality for service users and employees, to carry out equality analysis, and to publish equality information.

In March 2012, the Cabinet agreed four equality objectives for the four years from 2012 to 2016, designed to help the Council meet the aims of the PSED. This report reflects progress against these objectives at the mid-point of their last year.

As the current set of equality objectives comes to the end of its lifetime in March 2016, work is underway to identify a new set of objectives for 2016-2020.

Reasons for Proposed Decision:

In view of the corporate importance of the achievement of these objectives, and ensuring compliance with the PSED, progress is reported to the Select Committee on a six monthly basis.

Other Options for Action:

None. Failure to monitor and review progress against the Equality Objectives and to take corrective action where necessary, could have negative implications for judgements made about the Council, and might mean that opportunities for improvement are lost.

Report:

Equality Objectives

1. The Equality Act 2010 places an obligation on the Council to produce equality objectives to improve equality for service users and employees and therefore in April 2012 the Council adopted four equality objectives for the four years until March 2016.
2. The objectives are supported by an Action Plan with actions designed to secure the achievement of each of the objectives, spread across the four year time span. Many of the actions can only be achieved incrementally or are dependent upon other actions. The Action Plan is intended to be fluid to reflect changes in service delivery and the development of the work to achieve greater fairness, and is therefore subject to amendment and addition.
3. A schedule detailing progress against individual actions is attached as Appendix 1 to this report. In reporting progress against the objectives, the following 'status' indicators have been applied to individual actions:

Achieved (Green) - specific actions have been completed or relevant targets achieved;

On-Target (Green) – specific actions will be completed or achieve in accordance with targets;

Under Control (Amber) - specific actions have not been completed or achieved in accordance with relevant targets, although completion/achievement is likely to be secured by revised target date;

Behind Schedule (Red) - specific actions have not been completed or achieved in accordance with relevant targets;

Pending (Grey) – specific deliverables or actions have not been completed or achieved, as they rely on the prior completion of other actions or external factors outside the Council's control

4. Equality Objectives are focused on key areas where improvement in relation to equality has been identified, as follows:
 - Objective 1: Equality information
 - Objective 2: Equality ownership
 - Objective 3: Engagement
 - Objective 4: Equality in workforce development

The position with regard to the delivery of the objectives at the end of September 2015 is shown in the attached appendix. Whilst some updates are outstanding at the time of Q2 reporting, the actions to deliver the objectives are largely completed. It is considered by the Corporate Equality Working Group (CEWG) that the potential to progress a fully accessible meeting room for the district through this action plan (actions 3.06 a) and b)), has been exhausted. It is recommended this is progressed via the Transformation Programme. The Corporate Equality Working Group (CEWG) will continue to monitor progress against the action plan, and progress actions where possible.

Equality analysis

5. The Council is required to understand the impact of its activities on people with protected characteristics, and this understanding is captured via the process of equality analysis. Therefore Council functions are screened as to their relevance to equality and relevant functions are subject to equality analysis every three years or sooner if the function undergoes significant change. The current programme of analysis is now in its second year and information gained through analysis is used to develop services or to identify measures to mitigate negative impact.

Equality Information Publication

6. Equality Information must be published annually, with the latest report being published in September 2015.

Equality Objectives 2016-2020

7. The current set of equality objectives will reach the end of their lifetime in March 2016, and as reported to the Committee in July, the CEWG has commenced the process of identifying the equality objectives to take the authority forward from 2016-2020. Directorates have been consulted to capture ideas and suggestions, which have in turn been developed as follows:

Objective 1: To integrate the Council's public sector equality duty in our partnership working.

8. The Council's PSED is relevant across the full range of its activity including its work through partnerships. The duty also applies to its public sector partners and it may be the Council can access good practice or share work to comply with the duty. Work to ensure our partnerships take forward the PSED, is seen as a key area where work still has to be done.

Objective 2: To apply robust equality requirements in commissioning, procurement and contract management frameworks.

9. Procurement by local authorities is identified by the government as a key area for the development of equality and where there is the potential to improve the lives of people. Whilst it is evident there is some consideration of equality in our procurement practices, procurement has not been a focus for equality work to date, and integration is required if the duty is to be met. Work would be undertaken to explore the current degree of integration, and improve understanding of requirements and best practice in this area.

Objective 3: To improve and develop equality in our business activities and project working.

10. This includes projects and reviews, and along with Objectives 1 and 2, seeks to build on progress already made in integrating equality into service planning and delivery, and extend it into our wider activities, and at an earlier stage of our investigation and research.

Objective 4: To develop our capacity so that our employees have the knowledge, skills and confidence to deliver our plans and services.

11. Employee understanding of Council requirements remains important. Whilst some progress has been made in the course of the current set of objectives, the CEWG considers there is the potential to refine and refocus training for employees to reflect the Council's current position in its equality journey.

12. Progress in relation to the achievement of the equality objectives and other equality requirements, together with progress in relation to the development of a new set of equality objectives, was considered by Management Board in November 2015.

13. The Select Committee is requested to review current progress against the equality objectives for 2012-2016, and other work to meet the Council's statutory equality duties; and to note the draft equality objectives for 2016-2020, and bring forward any comments or suggestions for their development and delivery.

Resource Implications:

Resource requirements for actions to achieve specific equality objectives will be identified by the responsible service director/chief officer and reflected in the budget for the year. Compliance with statutory equality duties can currently be met from within existing resources.

Legal and Governance Implications:

There are no legal or governance implications arising from the recommendations of this report. Relevant implications arising from actions to achieve specific equality objectives will be identified by the responsible service director/chief officer.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district. Relevant implications arising from actions to achieve specific equality objectives will be identified by the responsible service director/chief officer.

Consultation Undertaken:

Equality Objectives 2016-2020:

- Consultation brief for directorates
- Management Board in July and November 2015

Background Papers:

Equality Objectives 2016-2020:

- Draft Action Plan
- Research paper to CEWG

Impact Assessments:

Risk Management

There are no risk management issues arising from the recommendations of this report. Relevant issues arising from actions to achieve specific equality objectives will be identified by the responsible service director/chief officer.

Equality:

The direction of focus for activities to deliver the Council's equality duties through its dual role as service provider and employer, has the potential to impact on a wide range of people. The focus for the current set of objectives has been to build capability, knowledge and ownership. This second set of objectives is looking to widen that focus to include our partnership activities; to build in due regard at an early stage of strategic planning and investigation; and to exploit the potential to deliver equality through our extensive procurement activity. By progress building and moving to a 'wider and deeper' focus, equality can be better integrated and provide the potential for greater and more wide ranging benefit for customers, residents and employees.

Objective 1: Equality Information including monitoring information				
Action	Lead Officer	Target Date	Status	Progress
EO1.01 - Develop Corporate Equality Monitoring Policy and Guidance and publish on intranet	Barbara Copson	Sep-12	Achieved	Policy agreed by Cabinet on 3 Dec 2012 and uploaded to intranet. Action complete.
EO1.02a - Carry out pilot exercise to develop and implement three bespoke equality monitoring systems.	Derek Macnab Colleen O'Boyle Bob Palmer Alan Hall	Mar-16	Under Control	In July 2014 CEWG decided pilot exercises should be completed in all Directorates. The following services have been identified: Communities Directorate - an exercise by Sports Development was undertaken in 2012. A further exercise involving the Caring and Repairing service has been undertaken and the information will be formatted appropriately for inclusion on the Intranet as a practical example in designing and implementing an Equality Monitoring System. Neighbourhoods Directorate - The Assisted Collection services is undertaking a monitoring exercise and will report to CEWG in January 2016. Governance Directorate - The Hill House development application has been identified for which an equality monitoring exercise can be undertaken where its intended that external contractors to manage the monitoring and collate the results. This exercise will provide a model for equality monitoring through an agent to the Council. As this exercise is dependent upon an external agent it is unlikely to be completed before the end of life of the Action, however progress will be monitored by CEWG. Resources Directorate - Recruitment Monitoring (Progress in Resources to date has been delayed because of work demands and availability of key staff. To consider reallocating the responsibility for undertaking the exercise to

					other staff). Update required from Resources Directorate. Progress reports required: Resources October 2015 / Neighbourhoods January 2016.
EO1.02b - Promote Equality Monitoring Policy and Guidance as required	Barbara Copson	Dec-13		Achieved	An article was included in the Winter 2012 edition of The Forester explaining why equality monitoring was undertaken, and further information was included in the November 2013 equality update for staff, Fair Ground. Equality Monitoring will be publicised again when the pilot exercise in Action 1.02a is completed. Further information will be made available as required in the future. Action Complete.
EO1.03 - Develop and implement as necessary, bespoke equality monitoring systems within relevant services	Bob Palmer Alan Hall Colleen O'Boyle Derek Macnab	Mar-16		Achieved	This Action was linked to E01.2a, the completion of pilot exercises, and as a result has been held back by the delays in their completion. In July 2014 CEWG decided the link was unnecessary and should be removed. It is understood that many service areas now collect and use equality monitoring data in their service planning and delivery. Work to determine service areas for which equality monitoring data is appropriate and therefore those in which systems and practices should be in place is now in progress as necessary.
EO1.04a - Include evidence of due regard as relevant in reports to the Council's decision-making bodies	Glen Chipp Colleen O'Boyle Derek Macnab Alan Hall Bob Palmer	Mar-14		Achieved	New approach developed and agreed by MB for introduction 1 July 2014 whereby Cabinet and portfolio holder report templates are amended to include a Due Regard Record (DRR) as an additional page. Relevant equality information to be recorded on the DRR by the report author for use by Cabinet or Portfolio holders in their decision making. It has been agreed in principle that existing Planning and Licencing report templates will be amended to encourage the inclusion of equality information. Reports to Management Board will continue to use the existing system.

					Action complete.
EO1.04b - Conduct pilot exercise on use of Due Regard Record as mechanism to ensure decision making bodies are aware of equality implications of reports under consideration	Barbara Copson	Apr-14		Achieved	Due Regard Record pilot was completed in February 2014 and reviewed by CEWG in April. CEWG recommendations agreed by MB in June 2014. (see EO1.04a) Action complete.
EO1.05 - Identify and annually update sources of non-service specific equality information and place on intranet	Barbara Copson	Mar-13		Achieved	Factsheet produced providing details and links to reports, data, and research providing local and national information about the protected characteristics. The factsheet, Factsheet 2: Sources of Information about Equality Protected Characteristics, is one of a set of factsheets produced to support the Equality Analysis Toolkit and guidance). The Toolkit and factsheets are available on the Intranet. Action Complete
EO1.06 - Review committee report guidance and publish on intranet	Barbara Copson	Apr-14		Achieved	Factsheet 'Providing equality information to Cabinet or a Portfolio Holder' has been produced as part of the Equality Analysis Toolkit and replaces former committee report guidance. Published on the intranet. Action complete.
EO1.07 - Deliver briefing session concerning the monitoring of reports for evidence of due regard to Chairs of Agenda Planning Groups	Barbara Copson	Oct-13		Achieved	Briefing for Chair of Cabinet APG provided 25 September 2013 Action Complete




Objective 2: Equality Ownership

Action	Lead Officer	Target Date	Status	Progress
EO2.01 - Explore with the Local Strategic Partnership opportunities to share equality awareness and information	Barbara Copson	Mar-16	Under Control	LSP and Management Board agreed that equality information sharing is to be taken forward via a revision of the Epping Forest Compact. Project outline completed. A draft revision of the Epping Forest Compact has been produced and will be presented to CEWG in October 2015, and the LSP Board at its next meeting which is likely to be before the end of 2015.
EO2.02 - Review and refresh as necessary, existing equality training for members	Simon Hill	May-14	Achieved	Equality training developed for Members has been included in the Councillor Development Programme from 2014/15. Action Complete
EO2.03 - Deliver appropriate equality training for members	Simon Hill	Mar-14	Achieved	Introduction to Equality training delivered to Members in June 2014 and again in May 2015. Action complete.
EO2.04 - Introduce arrangements for directorate based reporting of equality achievements as part of the annual 'Equality Report'	Barbara Copson	Mar-13	Achieved	Equality Information Publishing Guidance agreed by CEWG 22/11/12. Cross-directorate training delivered to 21 officers on 9 January 2013. Action complete.

Equality Objective 3: Engagement

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Action	Lead Officer	Target Date	Status	Progress
EO3.01 - Develop and publish an Equality Profile of the District to assist the completion of robust equality analysis and informed decision making	Barbara Copson	Mar-15	Achieved	Equality profile produced and uploaded to the Intranet as one of the Factsheets supporting the Equality Analysis Toolkit. Action complete.
EO3.02 - Review how existing engagement activities can be developed.	Barbara Copson	Mar-16	Under Control	Existing engagement reviewed via the Equality Consultation report produced by PR and Marketing, and the earlier Consultation Opportunities Register produced by the PIU. It is considered additional value can be gained from existing engagement by considering the results of service/activity equality analysis alongside the engagement currently undertaken by responsible directorates, to see if any requirements identified through the equality analysis process can be addressed through those engagement channels. Guidance note to be produced for Directorates.
EO3.03 - Develop and adopt an Equality Engagement Plan	Barbara Copson	(not specified)	None	This is linked to 3.02 above. As equality engagement will be developed through the development of existing engagement, this action is no longer required.
EO3.04 - Carry out equality engagement according to equality engagement plan	Bob Palmer Alan Hall Derek Macnab Colleen O'Boyle	(not specified)	None	This is linked to 3.02 and 3.03 above. As equality engagement will be developed through the development of existing engagement, this action is no longer required.

<p>EO3.05 - Explore and facilitate opportunities for interaction between council members and community groups and representatives</p>	<p>Bob Palmer Alan Hall Derek Macnab Colleen O'Boyle</p>	<p>Mar-16</p>		<p>Achieved</p>	<p>This is linked to 3.02. Equality Training has been delivered to Members. Members engage wide a wide range of community groups and the development of equality engagement through the development of existing engagement will result in increased interaction between members and community groups.</p>
<p>EO3.06a - Undertake a feasibility study for provision of a fully accessible meeting room facility at the Civic Offices</p>	<p>Bob Palmer</p>	<p>Mar-16</p>		<p>Under Control</p>	<p>New desks are in place in committee rooms which are easier to manoeuvre, and a text messaging service linked to the Fire Alarm system for any hearing impaired or deaf visitors or employees has been implemented. Adjustments to partitions and doors for full accessibility is yet to be progressed. Corporate plans for the use of space and offices may generate further options and opportunities and this will be raised as appropriate, and is likely to extend beyond the lifetime of this objective (March 31, 2016). The Customer Contact Review will include a mapping exercise in relation to the existing provision of services in the district which will inform the scope of the Customer Transformation Programme around devolved services. Facilities requirements and the potential for a fully accessible meeting room will form part of this review.</p>
<p>EO3.06b Subject to 3.6a above, prepare and submit bid for appropriate funding</p>	<p>Bob Palmer</p>	<p>Mar-16</p>		<p>Under Control</p>	<p>Action dependant on completion of EO3.06a above, and may extend beyond the lifetime of this objective (31 March, 2016)</p>

Objective 4: Equality in Workforce Development

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Action	Lead Officer	Target Date	Status	Progress
EO4.01(a) - Annually report anonymised details of the Council's workforce at Grade 8 and above, in the context of the whole staff equality profile to CEWG	Paula Maginnis	Sun-30-Jun-13	Achieved	10/10/13 HR Workforce profile made available to CEWG and the public in respect of : Age Disability Faith (Religion) Race Sex Sexual orientation. Workforce profile at grade 8 summary made available to CEWG and the public in respect of: Sex (female only) Disability Race. Information is to be analysed to identify trends and submitted to CEWG for consideration and recommendations prior to submission to MB. Reports to be produced annually from June 2014.
EO4.01(b) Ensure publication of anonymised details of the Council's workforce at Grade 8 and above, in the context of the whole staff equality profile.	Paula Maginnis	Sun-30-Jun-13	Achieved	10/10/13 HR Workforce profile published on website in respect of: Age Disability Faith (Religion) Race Sex Sexual orientation. Workforce profile at grade 8 summary published on website in respect of: Sex (female only) Disability Race. Information produced and considered by CEWG for analysis of trends and recommendations. Information submitted to MB and considered by Finance and Performance Management Scrutiny Panel in November 2014. Information to be produced for consideration by CEWG before progressing to MB. To be published annually from June 2014. Action Complete.
EO4.02 - Carry out analysis of workforce data to identify trends and patterns in areas as identified by CEWG	Paula Maginnis	Thu-31-Mar-16	Achieved	CEWG considered equality information generated under EO4.01(b) and made recommendations for inclusion in its subsequent reporting to MB. This information is an annual requirement and CEWG will consider and analyse subsequent annual equality information reports to identify trends and patterns. Action complete.
EO4.03 - Undertake a comprehensive review of the Council's recruitment and selection processes to demonstrate transparency, promote equality, and ensure best practice and safeguarding	Paula Maginnis	Mon-31-Mar-14	Achieved	A review of recruitment and selection processes has been undertaken and presented to CEWG and JCC in January 2014. Implementation through 2014 as part of the Safer Recruitment Policy. Action complete.

<p>EO4.04 - Investigate, identify and pursue (where agreed) standards and accreditations to help demonstrate the Council's commitment to equality and increase awareness.</p>	<p>Paula Maginnis</p>	<p>Thu-31-Mar-16</p>		<p>Achieved</p>	<p>Two Ticks Disability standard re-awarded in May 2014. Mindful Employer standard awarded 3 October 2013.</p>
<p>EO4.05 - Produce and display appropriate publicity material relating to equality characteristics, such as posters etc. outlining the Council's commitment to equality</p>	<p>Tom Carne Barbara Copson</p>	<p>Thu-31-Mar-16</p>		<p>Achieved</p>	<p>The sexual orientation characteristic has been promoted through the Council's support of LGBT History Month in February 2014 and 2015. An initiative to develop an image library showing a diverse population in ordinary settings awaits the allocation of staff resources to undertake the project. Project offered without success to an apprentice. Interview with senior female member of staff around her route to success has been published in Fair Ground and District Lines. See EO4.06 Further interviews will explore a variety of staff of varying levels, jobs and characteristics and examine how they have achieved their path within the Council (and the barriers that may have been faced) to work towards their own personal goals for success.</p>
<p>EO4.06 - Determine types of equality related employee information (other than data, see 4.01) that can be made available to employees to support awareness of equality issues.</p>	<p>Barbara Copson</p>	<p>Thu-31-Mar-16</p>		<p>Achieved</p>	<p>This is being progressed via a series of interviews with employees with different characteristics who have progressed their career within the Council perhaps by a non-conventional route. The first has been undertaken with a female employee. Interview published in spring/summer edition of Fair Ground and June edition of District Lines.</p>
<p>EO4.07(a) - Undertake a comprehensive review of the Council's existing arrangements for employee engagement</p>	<p>Paula Maginnis</p>	<p>Thu-31-Mar-16</p>		<p>Achieved</p>	<p>In 2012 Management Board agreed initial recommendations for improving employee engagement, and that a review of the Terms of Reference of the Joint Consultative Committee (JCC) would be undertaken (see 4.7(b)). This JCC Terms of Reference review was subsequently considered by Cabinet in February 2015 and due to the passage of time, a project has been undertaken to capture the current position with staff engagement. A final project report, Engagement Strategy and Action Plan, will be submitted to the JCC in November 2015. An Employee Survey has also been undertaken and this report will be submitted to Management Board in November 2015.</p>

EO4.07(b) Undertake comprehensive review of current terms of reference of Joint Consultative Committee	Paula Maginnis	Mon-31-Mar-14		Achieved	Report on Terms of Reference from Paula Maginnis was considered by Cabinet in February 2015. Action complete.
EO4.08 - Review and analyse the attendance on the Evolution Programme as a comparison of the whole workforce	Julie Dixon	Thu-31-Mar-16		Under Control	Analysis of Evolution Programme completed. The report at EO4.02 was considered by CEWG and recommendations made in September 2014. 4 more cohorts have now completed ILM qualifications. Suggest update of report before going to MB.
EO4.09 - Ensure consistency of application of flexible working practices	Paula Maginnis	Thu-31-Mar-16		Achieved	Following discussions with the Leadership Team and employees the Flexi Scheme and Flexible Working Policies have been reviewed and discussed by Management Board a report will be submitted to JCC in November 2015. In addition a Home Working Policy has been developed for agreement. It should be noted that the Policies do not promote a 'one size fits all' approach as agreement to work flexibly will depend on service need, existing arrangements in teams and the requirements of the individual which will vary. Once the policies have been agreed they will be publicised in District Lines.
EO4.10 - Review and refresh as necessary existing equality training for officers	Julie Dixon	Thu-31-Mar-16		Under Control	Learning and Development Manager and training providers review content and provide up-to-date cases and examples of good practice. Completed July 2013. To be kept under review. E-learning package considered by CEWG in September 2014 and recommendations made. New Information Officer/ E learning formatter Phil Andrews now in place, once he is trained e-learning package can be further developed.
EO4.11 Deliver appropriate equality training for officers:	Julie Dixon	Thu-31-Mar-16		Under Control	E-Learning course for both induction and refresher training was discussed by CEWG in summer 2014 and recommendations made. New information officer/ e learning formatter Phil Andrews now in place, once he is fully trained further development will take place.

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Report to Governance Select Committee

Date of meeting: 1 December 2015

Subject: Chairman's Expenditure and Allowances

**Officer contact for further information: Tom Carne
(01992 56 4039)**

Committee Secretary: Mark Jenkins (01992 56 4607)

Recommendations/Decisions Required:

- (1) To review Civic Ceremonial expenditure and the current levels of member allowances in respect of payments made to the Chairman and Vice-Chairman of Council.
- (2) To consider whether the Chairman's and Vice-Chairman's Allowances should be referred to the Member Remuneration Panel for review; and
- (3) To recommend revisions to current levels of Civic Ceremonial expenditure as members consider appropriate.

Report:

1. The Chairman and Vice-Chairman of Council receive special responsibility allowances in recognition of the particular expenses incurred by the Civic and Ceremonial role. An anomaly in recompense for transport costs was addressed by the adoption of a motion (Minute 31 – 28 July 2015) at Full Council that:

2. That section (5)(1) of the Members Allowances Scheme be amended to include payment of mileage and public transport claims for approved civic duties carried out by the Chairman and Vice-Chairman of the Council including Schedule 2 of that scheme which shall include a further subparagraph (p) for which payment can be made, as follows:

‘(p) Attendance at any civic event to which the Chairman or Vice-Chairman is attending in that capacity (or representative) for which Council funded transport is not provided’

3. That payment of such claims be met from the within the existing members allowances budget; and

4. That the budget for Chairman and Vice-Chairman of the Council be reviewed and referred to the Governance Select Committee.”

Reason for decision:

5. Full Council requested that a review be conducted into the current levels Civic Ceremonial budget by the Governance Select Committee.

6. In addition to the discharge of the task specifically placed upon Governance Select Committee by Full Council, Members of the Governance Select Committee may wish to consider the potential role of the Member Remuneration Panel in respect of the personal allowances received directly by the Chairman and Vice-Chairman separately from officer controlled elements of the Civic Ceremonial budget.

7. Chairman's and Vice-Chairman's allowances are contained with the Civic Ceremonial Cost Code DR140. Chairman's and Vice-Chairman's Allowances are managed directly by the Chairman and Vice-Chairman.

8. In addition to the Chairman's and Vice-Chairman's individual allowances, 'spending' budgets designed to directly support the work of the Chairman and Vice-Chairman amount in total to £22,530. These budgets are maintained under the supervision of the Public Relations Officer as follows:

(a) Vehicle Leasing Charges (Hire cars and Taxis)	£4,000
(b) Civic Hospitality (including catering at Full Council)	£2,620
(c) Other Miscellaneous Expenses (such as Community Services Medals and Awards)	£2,270
(d) Other Miscellaneous Expenses (Civic Awards Reception, Carol Service, Chairman's Lunch)	£14,000
Total	£22,530
(e) Chairman's Allowance	£7,760
(f) Vice-Chairman's Allowance	£3,040

9. For further reference, the fully itemised budget sheet is reproduced at the end of the report as Appendix 1:

10. In order to assist members of the Governance Select Committee, officers conducted a survey of Civic Ceremonial expenditure by other Essex and neighbouring councils. Returns were received from;

- (i) Southend
- (ii) Chelmsford
- (iii) Rochford
- (iv) East Herts
- (v) Braintree
- (vi) Essex County Council

11. Differing budget structures make direct comparisons with Epping Forest District Council difficult. Some councils weight expenditure towards allowances directly administered by the Chairman and Vice-Chairman. Other councils weight expenditure in favour of officer controlled budgets with less direct member control.

12. Officers conducted additional online research to establish levels of Chairman's and Vice-Chairman's allowances.

13. The following table summarises the main points of comparison.

Council	Chairman's Allowance	Vice-Chair Allowance	Other Civic Budgets	Total	Comments
Epping Forest District Council	£7,760	£3,040	£22,530	£33,330	
Southend Unitary	£14,00	£7,000	£7,900	£28,900	
Chelmsford City	£17,000	See comments	£54,000	£71,000	Mayor and Deputy combined
Rochford District	£8,500	N/A	£11,000	£19,500	
Braintree District	£3,810	£1,030	£12,500	£17,340	
East Herts	£6,500*	£1,450	£22,250	£30,200	*Net after tax

District					and NI
Essex County Council	£30,000	£10,856	£25,000	£65,856	
Colchester Borough	£11,800	£2,700			Source Essex Chronicle
Harlow District Council	£2,500	£500			Source Online
Castlepoint Borough	£6,137	£2,888			Source Online
Brentwood Borough	£3,300	£750			Source Online
Maldon District Council	£4,590	£459			Source Online
Uttlesford District	£4,000	£2,000			Source Online

14. Each council will hold different expectations of the Civic Ceremonial role. Epping Forest District Council hosts three major events each year, the Civic Awards, Civic Carol Service and the Civic Lunch (for the chairmen and mayors of neighbouring authorities). Each Chairman carries out a wide range of additional engagements. The scope and volume of such engagements will vary from year to year depending on the number and type of invitations accepted.

15. Levels of staff-support also vary considerably between different councils. Following the Phase 2 Structural Review of Epping Forest District Council the part-time (21.5 hours per week) Chairman's Officer transferred from the Democratic Services Section to the Public Relations Section. Further support is provided by officers of the Public Relations and Democratic Services teams ranging from technical advice and assistance through to event management and support.

16. External factors such as family, work and voluntary commitments have an impact upon the time each Chairman can devote to Civic Ceremonial duties. Each Chairman also adopts their own personal approach to the Chairman's Charity with different levels of commitment and support from outside organisations.

17. Fundraising for the Chairman's Charity is also dependent upon the voluntary support and goodwill of many people including other councillors and staff. In the last ten years the Chairman has raised £14,500 per year on average for the Chairman's Charity. Awareness-raising can be equally or more important to work on behalf of the Chairman's Charity than fundraising. For example, previous Chairmen have worked hard to promote issues as diverse as mental health awareness and the personal benefits of volunteering for newly retired people.

18. The Vice-Chairman can also play an important part in supporting the Civic Ceremonial role of the Chairman. Custom and practice has dictated that in most instances the Chairman of Council has previously served a year as Vice-Chairman. Most Chairmen find the experience gained during their year as Vice-Chairman to be invaluable preparation.

19. At times, the role of the Vice-Chairman has taken on additional prominence, for example where the Chairman has become unavailable due to illness or family commitments.

20. Taken over the last ten years, the Chairman of Epping Forest District Council accepted approximately 120 to 140 invitations per year (some more and some less). These engagements are in addition to civic duties such as chairmanship of Full Council and Local Councils Liaison meetings.

21. The chairmanship of the Council is an honoured position reserved to Members who have earned the respect and admiration of colleagues across the Council Chamber. The Chairman holds the unique position of representing the whole Council and all its Members.

22. The Chairman is the public representative and face of the Council to local residents, businesses and other stakeholders. The Chairman is also the representatives of the everyone who lives and works within the District to the wider world.

23. The Chairman is the Council's foremost ambassador and promoter of the District. Unlike most other roles within the Council, the Civic Ceremonial role of the Chairman is defined to a large extent by the character and interests of the individual Chairman. Each brings their own personality and style to the role with varying degrees time and personal resources.

Appendix 1 Civic Ceremonial Budget 2015/16

Class	Type	Code	Job Cost	Budget
Transport Related Expenses	Vehicle Leasing Charges	2310		£4,000
Supplies And Services	Members Allowances	A OC001	Chairman's Allowance	£7,760
Supplies And Services	Members Allowances	A OC002	Vice-Chairman's Allowance	£3,040
Supplies And Services	Civic Hospitality	3840		£2,620
Supplies And Services	Other Miscellaneous Expenses	3850		£2,270
Supplies And Services	Other Miscellaneous Expenses	3850 OC003	Chairmans Award	£14,000
Support Services	Managerial & Professional	A		£36,990
Support Services	Office Services	A		£500
Support Services	Print Operations Internal	A		£970
Internal Recharges	Other Recharges	A OC025	HRA Corporate Recharge	(£15,870)
Total				£56,280

Resource implications: Existing resources shown at Appendix 1

Legal and Governance Implications: None

Safer, Cleaner Greener Implications: None

Consultation Undertaken: Survey of neighbouring and Essex councils for comparative data. Online desktop research. Referral to Overview and Scrutiny – Governance Select Committee

Background Papers: Minutes of Full Council (Minute 31 – 28 July 2015), survey returns, online research printouts, Spending Control Budget Book

Impact Assessments:

Risk Management: N/A

Equality: N/A

Report to Governance Select Committee



Date of meeting: 1 December 2015

Subject: Planning Appeals Performance

SCRUTINY

**Officer contact for further information: Nigel Richardson
Assistant Director Governance x4110**



Committee Secretary: M Jenkins (4106)

Recommendations/Decisions Required:

1. That the Committee receives and comments on a presentation of recent appeal decisions by Assistant Director of Governance (Development Management).
2. That the Committee considers any lessons or outcomes of the presentation for future planning application decision making and key performance indicators GOV007 and GOV008.

Report:

1. If an application for planning permission is refused by the local planning authority, or if it is granted with conditions, an appeal can be made to the Secretary of State against the decision, or the conditions, under section 78 of the Town and Country Planning Act 1990. All parties must provide the evidence required and meet the procedural deadlines. The appeals can be normally be determined by an exchange of written statements, or appearance at a hearing or an inquiry, which is chaired by a planning inspector.
2. Appeal performance is reported six monthly to the area planning committees and there are two key performance indicator (KPI) measures – GOV007: *What percentage of planning applications recommended by planning officers for refusal were overturned and granted planning permission by appeal* and GOV008: *What percentage of planning applications refused by Council Members against the recommendation of the planning officers were granted planning permission on appeal*. Whilst performance statistics and copies of the Council Member related appeal decision letters are brought to the Area Plans Committees attention, Members are seeking some clarity and understanding on why some appeals are dismissed and others are allowed, which in turn will hopefully help towards improving performance of these two KPI's as identified in their individual improvement plans.
3. Councils must determine planning applications in line with the Local Plan and government policy such as the National Planning Policy Framework. However councils can also take account of other material considerations, such as local opposition, but to do so should have the backing of planning policy. Whilst making comments on planning application, people can feel they are making a contribution to decisions being made in their area, it is worth highlighting however, that the strength or volume of local opposition is not a material planning consideration. The voices of local people are more likely to be heard if their objections are focussed on planning issues, which Members should be focussing upon and take into account to justify a refusal.
4. It is difficult to show common themes in why some appeals are more successful than others, but Officers have picked out 6 relatively recent cases across the district for further scrutiny which will be viewable in the form of a powerpoint presentation at the meeting. Members will have an opportunity to raise questions and discuss the issues

with Nigel Richardson at the meeting and explore what could be done to improve the Council's appeal performance in the future.

5. The 6 appeal decisions are appended to this report and are as follows:
 - 42 Princes Road, Buckhurst Hill – EPF/2693/14: Appeal Allowed
 - Church Hill Car Park, Church Hill, Loughton – EPF/1412/14: Appeal Allowed with costs
 - 47a Theydon Park Road, Theydon Bois – EPF/0180/15: Appeal Dismissed
 - Former Haulage Yard, Sewardstone Rd, Waltham Abbey – EPF/1556/14: Appeal Dismissed.
 - 134 High Street, Ongar – EPF/2358/14 – Appeal Allowed
 - 261 High Street, Epping – EPF/1924/12 – Appeal Allowed
6. Lessons or themes that emerge from these appeals can be used for future planning application decision making and set out in GOV007 and GOV008 improvement plans for next year.

Reason for decision:

Options considered and rejected:

None -. Report required from KPI Improvement Plan for GOV007 and GOV008.

Consultation undertaken: None

Resource implications:

Budget provision: None

Personnel: None

Land: None

Community Plan/BVPP reference: None

Relevant statutory powers: Town and Country Planning Act 1990 and The National Planning Policy Framework (NPPF).

Background papers: Appeal Decisions (attached).

Environmental/Human Rights Act/Crime and Disorder Act Implications: None

Key Decision reference: None

Impact Assessment:

Risk Management

There are no risk management issues arising from the recommendations of this report. All appeal decisions are reported 6 monthly to Area Plans Sub Committee meetings.

Equality:

There are no equality implications arising from the recommendations of this report.



Appeal Decision

Site visit made on 7 August 2015

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18/08/2015

Appeal Ref: APP/J1535/D/15/3121627

42 Princes Road, Buckhurst Hill, Essex, IG9 5EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Katie Wood against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2693/14, dated 13 November 2014, was refused by notice dated 9 March 2015.
 - The development proposed is '*Retrospective application for patio. Letter received from Mr David Thompson – Planning Enforcement Officer.*'
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a raised patio area at 42 Princes Road, Buckhurst Road, Essex, IG9 5EE in accordance with the terms of the application, Ref PL/EPF/2693/14 dated 13 November 2014 and the plans submitted with it, subject to the following conditions:
 - 1) Notwithstanding the annotations shown on Drawing No 42/PR/4 the proposed methods of screening shall not be carried out, although the balustrading is hereby permitted.
 - 2) Within two months of the date of this decision full and specific details as to the means of providing effective screening on both side boundaries shall be submitted to the local planning authority for written approval. Subsequent implementation of such shall be carried out in accordance with the approved details in compliance with a time schedule to be agreed between the two main parties.

Procedural Matter

2. For the purposes of this appeal I am treating the entire development as a proposal given that Section 55 of the Town and Country Planning Act 1990 makes no provision for such retrospective matters. I have also altered the proposal's description to more closely focus on the development involved.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to overlooking.
-

Reasons

4. The appeal property is a semi-detached dwelling, sharing a party wall with No 44 Princes Road whilst No 40's facing flank wall stands close to the opposite common boundary. A raised patio, requiring the benefit of planning permission, has been constructed across the full width of No 42, immediately to the rear of the dwelling itself, and with the land sloping downwards from west to east I have estimated that the resultant terrace sits between 0.75m and 1m above the rear garden lawn below.
5. The path running at the side of No 42, close to the fenced boundary with No 40, also rising progressively rearwards. The terrace lies at a similar level with the open space immediately to the rear of the dwelling at No 44, but higher than the adjacent area of garden at No 40, and I have had regard to the written objections made by the occupiers thereto. The main ground of objection put forward is that the raised patio has rendered the existing fencing inadequate and I shall address this matter.
6. In terms of the policies cited by the Council in its decision notice Policy DBE2 of the Epping Forest District Local Plan (LP) indicates that planning permission will not be granted for new buildings which would have a detrimental effect upon neighbouring properties, either in amenity or functional terms whilst LP Policy DBE9 guards against excessive loss of amenity in terms of, amongst other things, overlooking. Whilst I accept that the raised patio has given rise to the potential overlooking of both neighbouring properties the existing fencing is substantial in form, if insufficient in height to prohibit such. Nonetheless, raised decking and patios are not uncommon these days, along with existing fence screening being consequentially compromised.
7. Weighing the matter up, and having considered the particular circumstances at my site visit, I do not consider that either neighbours have suffered an 'excessive' loss of amenity from the raised patio; certainly not to such an extent that the patio might be removed. However, I do consider that some form of screening would be helpful on both boundaries.
8. The occupiers of No 40 have mentioned that they erected the fencing divide and, at the opposite boundary it would similarly appear that the fence belongs to No 44. Notwithstanding this the appellant is proposing that timber screens with Georgian wired glass opaque infill panels supported on timber posts are to be erected. In the interests, visually, of a satisfactory standard of development, I do not consider that such materials would be appropriate and, perhaps, some form of vegetative planting which would both screen and soften the development might instead be explored. However, that shall be a matter between the appellant and the Council, the two main parties, and I am imposing a condition to this effect.
9. Although the Council has suggested conditions requiring that the patio be lowered and new fencing erected along the boundary with No 44, in view of my findings I consider such conditions to be neither strictly necessary nor reasonable. Given the circumstances and the conditions imposed I am satisfied that the proposal would not be in material conflict with either LP Policies DBE2, DBE9 or relevant advice in the National Planning Policy Framework. For the

above reasons, and having had regard to all other matters raised, the appeal succeeds.

Timothy C King

INSPECTOR

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Appeal Decision

Site visit made on 30 March 2015

by Claire Victory BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 April 2015

Appeal Ref: APP/J1535/W/14/3000961

Church Hill Car Park, Church Hill, Loughton, Essex IG10 1QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Constable Homes Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/1412/14, dated 13 June 2014, was refused by notice dated 3 September 2014.
 - The development proposed is the redevelopment of a disused car park to provide 330 sqm of A1 retail space with six C3 residential apartments above with car parking and associated landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of a disused car park to provide 330 sqm of A1 retail space with six C3 residential apartments above with car parking and associated landscaping at Church Hill Car Park, Church Hill, Loughton, Essex IG10 1QR in accordance with the terms of the application, Ref EPF/1412/14, dated 13 June 2014, subject to the conditions in the following schedule.

Application for costs

2. An application for costs was made by Constable Homes Ltd against Epping Forest District Council. This application is the subject of a separate Decision.
3. A number of additional swept path plans have been submitted with the appeal. These show that a car can turn when the store delivery vehicle is present (drawing ref. ST-2341-15 D); a resident's car can pass a removal vehicle along the side access (drawing ref. ST-2341-18-A); and that the filling station forecourt can be closed for refilling without interfering with the application site (drawing ref. ST-2341-19 A). Whilst these plans were not subject to public consultation, they would not result in any material amendment to the scheme and provide further detail of the car parking and servicing arrangements within the site. On that basis I do not consider that anyone would be prejudiced by my assessment of the proposal with reference to these drawings.

Main Issues

4. The main issues in the appeal are:
 - The effect of the development on highway safety; and

- The effect of the development on the character and appearance of the surrounding area.

Reasons

Highway Safety

5. The appeal site is a former car park, located between the Plume of Feathers public house to the north east, and an Esso petrol filling station to the south west, and with residential properties to the rear, on Marjorams Avenue. This section of Church Hill is outside a designated town centre but contains a mix of residential, commercial and community uses.
6. Policy ST6 of the Epping Forest District Council Local Plan and Alterations (LP)(2008) was referred to on the Decision Notice. This requires that development proposals provide on-site parking in accordance with the adopted 2001 standards or its successor documents. LP Policy DBE6 (i) requires that convenient parking is provided for new residential development.
7. The scheme would provide 7 car parking spaces for six flats, and 9 spaces for customer parking for the retail use. The Council is concerned that the layout of the parking and servicing area to the front of the proposed retail store would fail to make adequate off-street car parking provision or sufficient manoeuvring space for delivery vehicles. The parking standards used in the Council's assessment are not specified in the Officer report or the Council's appeal representations, but the Highway Authority (HA) has made reference to the Essex County Council Vehicle Parking Standards (2001), which include maximum standards for car parking. The HA has stated that the proposed number of spaces for both the flats and the retail use would be acceptable given the accessibility of the site, and the site layout would be acceptable subject to certain conditions relating to the management of parking and servicing. The Council has also conceded that the access, parking and turning arrangements within the appeal site are technically acceptable, including the numerical provision of parking spaces.
8. A car park management plan has been submitted, which would restrict car park waiting times to 30 minutes, to maximise the use of the customer spaces. No parking is designated for staff, but the site lies approximately 300m from Loughton Town Centre, where there are several public car parks, and there are bus stops close to the site providing services to Loughton and Debden. Prospective staff members would also be aware of the car parking restrictions in place at the store.
9. The proposed access and egress for residents and customers would be via a shared vehicular access with the Esso Garage. The Stage 1 Safety Audit submitted with the planning application identified potential conflict between vehicles accessing the appeal site, and vehicles entering the garage. However, the submitted Delivery and Servicing Plan identifies a separate in-only access for deliveries by Heavy Goods Vehicles (HGV), adjacent to the public house. A slight alteration to the existing footway in this location would be required to widen the access to accommodate the swept path in order to accommodate delivery vehicles up to a maximum length of 11.2m. The Plan indicates that there would be approximately 7 deliveries to the site each day. The proposed servicing arrangement would reduce the potential for conflict with vehicles using the access shared with the Esso garage as it would only be used for the

egress of delivery vehicles. The implementation of these delivery arrangements can be secured by condition, in the interests of highway safety.

10. Although the shared access would be used for vehicles entering the garage as well as leaving the appeal site, it is sufficiently wide with good visibility in both directions along a straight road at that point. The HA is satisfied that subject to appropriate conditions, the development would not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.
11. For these reasons I conclude that the development would not cause material harm in respect of highway safety, and would accord with LP Policies ST6 and DBE6(i). The Council has also referred to paragraph 40 of the National Planning Policy Framework (the Framework) on the Decision Notice, but this relates to parking within town centres and is therefore not relevant to the appeal proposal.

Character and appearance

12. The development would be formed of three storeys. Whilst most properties in the locality are two storeys in height, there are some prominent examples of three storey buildings, including apartment blocks beyond the Plume and Feathers, a modern three storey office block on the corner of Rectory Lane and Church Lane, and three storey townhouses on Church Close. Consequently the height of the proposed building would not be out of character with prevailing building heights in the area.
13. The Framework states that planning policies and decisions should not seek to impose architectural styles or particular tastes, but that it is proper to promote or reinforce local distinctiveness. The building would be contemporary in design, with a flat roof and balconies, and would be finished in white render, with timber and red brick detailing. The streetscene in the locality of the appeal site is relatively varied, with Victorian and Edwardian properties juxtaposed with more modern buildings, including the Esso garage, and the nearby Homebase store. This lack of uniformity means that the proposed development would not be incongruous with its surroundings, in terms of its design, scale, massing or materials.
14. The Council has also referred to the impact of the proposal on the setting of nearby listed buildings in its final comments, but the reasons for refusal made no reference to this matter. Nevertheless, as it has been raised as part of the Council's representations on this appeal, it is necessary for me to consider the implications of the proposal on the significance of these heritage assets, in accordance with the expectation of the Act in this regard, to which I am required to, and have had, special regard.
15. I saw the position of No 122 Church Hill in relation to the appeal site, and consider that due to the intervening distance between that property and proposed development, which would both be set well back from the road on opposite sides of Church Hill, the development would not be readily visible in the same viewpoint looking along the road in either direction. It has also been put to me that the proposed building would be prominent in longer views of St John the Baptist Church from Goldings Hill, but it would only be partially visible behind the flank parapet walls and tall chimney stacks of the Plume and Feathers, due to the set back of the front building line of the proposed building.

As such it would not appear overly prominent in longer distance views towards the church. For these reasons I am satisfied that the development would preserve the setting of these listed buildings.

16. For all of the above reasons I conclude that the proposal would not harm the character and appearance of the surrounding area. Thus it would accord with LP Policy CP2 (iv), which requires that developments safeguard the setting, character and townscape of the urban environment; LP Policy CP7 which seeks to make the fullest use of existing urban areas for new development whilst maintaining and improving their environmental quality; and LP Policy DBE1. This requires that new buildings respect their setting, adopt a significance in the streetscene appropriate to their use or function, and employ external materials sympathetic to the vernacular range of materials.
17. These policies are consistent with the National Planning Policy Framework, which requires a high quality of design in all new development.

Other Matters

18. The occupants of No 34 Marjorams Avenue are concerned with the height of the development and its proximity to the rear boundary of their property, but given the separation distance of approximately 20m between the rear of No 34 and the proposed building, and the screening provided by existing mature trees along the rear boundary, the development would not be unacceptably overbearing in this respect.
19. I have had regard to all other matters raised, including the existence of other retail stores in the Loughton area, the recent planning permission for a retail store on a nearby site, and the availability of other developable land nearby, but none of these matters, either individually or cumulatively would alter my overall conclusion.

Conditions and Conclusion

20. I have found that the development would be acceptable subject to certain conditions, with due regard to the advice in the National Planning Practice Guidance (the Guidance). In addition to the standard time limit condition, I shall require the approved plans for the avoidance of doubt and in the interests of proper planning.
21. I shall require details of the materials to be used in the construction of the building to be submitted to and approved by the local authority to safeguard the character and appearance of the area.
22. The HA has suggested conditions requiring a construction method statement; for the access to be implemented in accordance with drawing ref. ST-2341-2-F and dated 24 April 2014; and for a delivery and servicing plan to be submitted to and approved by the local planning authority prior to the first occupation of the development. I shall also impose a condition requiring the proposed parking area to be laid out prior to the first occupation of the development and retained as such thereafter, omitting the reference to staff in the Council's suggested condition as there will be no staff parking. A Car Parking Management Plan is also required to be submitted to and approved by the local planning authority. These conditions are all necessary in the interests of highway safety and efficiency.

23. I have considered the suggested condition requiring the appellant to contribute to the upgrading of the two bus stops within the vicinity of the appeal site with integral Real Time Passenger Information within each shelter. However, I note the Guidance advises that a condition should not be used to require a financial contribution, and the Council have not provided sufficient evidence to quantify the contribution or to justify why such improvements are necessary or fairly and reasonably related to the development subject of this appeal. Accordingly I shall not impose the condition.
24. The Council has suggested the appellant should provide a Residential Travel Pack prior to the first occupation of the development. A Residents Travel Information Pack was submitted with the planning application, so I have amended the wording of the condition to require that the pack is provided to each household prior to first occupation. The condition is necessary to promote sustainable travel modes.
25. A condition requiring the submission of details of the surface water drainage and their approval by the local planning authority is necessary to ensure that the site is properly drained and to reduce surface water run-off to the highway. However I shall not require a Flood Risk Assessment as the Council's Engineering, Drainage and Water Team have confirmed this is not required.
26. Conditions to control construction methods and hours of construction and demolition; to prevent bonfires on site during demolition and construction; to limit the hours of operation of the retail unit; to require the completion and retention of refuse storage; to require sound insulation of the residential units and control of the noise level of any air conditioning and/or refrigeration units; and to require full details of hard and soft landscaping are all required in the interests of residential amenity.
27. I am satisfied that given the previous uses on the site and evidence of previous contamination, conditions requiring land contamination investigations, and where appropriate remediation works and monitoring, are necessary to safeguard the living conditions of future occupants of the residential units.
28. A detailed Arboricultural Method Statement, Tree Protection Plan and site monitoring schedule are also required to be submitted to and approved by the local planning authority to ensure the sufficient protection of existing trees on site, to safeguard the character and appearance of the area.
29. For the above reasons, and with due regard to all other matters raised, I conclude the appeal should be allowed.

Claire Victory

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site plan; 13019-100 rev.B; 13019-102 rev.A; 13019-100 rev.B; 13019-103 rev.D; 13019-104 rev.G; 13019-105 rev.E; 13019-110 rev.A; ST-2341-2-F; ST-2341-14-A; ST-2341-18-A; ST-2341-15 D; ST-2341-19; A Tree Survey Plan; Tree Protection Plan; DFCC 0715-P01 Rev.B; DFCC 0715-P02 Rev.B.
- 3) No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the local planning authority, in writing. The development shall be implemented in accordance with such approved details.
- 4) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for the following all clear of the highway:
 - Safe access into the site
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel and underbody washing facilities
 - Measures to control the emission of dust and dirt during construction
 - A scheme for recycling/disposing of waste resulting from demolition and construction works
- 5) Prior to the first occupation of the proposed development, the access works, as shown on drawing no ST-2341-2-F dated 24 April 2014, shall be fully implemented and retained as such thereafter.
- 6) Prior to first occupation of the proposed development the details of the Delivery and Servicing Plan shall be submitted to and approved in writing by the local planning authority, to include but not limited to: delivery times, the size of delivery vehicles and the direction of entry into the site. All deliveries for the site will then be undertaken in accordance with the approved plan.
- 7) A copy of the submitted Residential Travel Information Pack shall be made available to each household prior to the first occupation of the proposed development.
- 8) Prior to commencement of the development a drainage management and maintenance plan shall be submitted to and approved in writing by the local planning authority. The assessment shall include calculations of increased water run-off and the associated volume of storm water

- retention. The approved measures shall be implemented prior to the completion of the development and retained as such thereafter.
- 9) Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
 - 10) No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the local planning authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the local planning authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" or any subsequent version or additional regulatory guidance.
 - 11) Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the local planning authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the local planning authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
 - 12) Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved remediation scheme, which must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any

subsequent version, in relation to the intended use of the land after remediation.

- 13) Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the local planning authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 14) In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved in the approved remediation scheme; a verification report must be submitted to and approved in writing by the local planning authority.
- 15) All construction/demolition works and ancillary operations, including vehicle movements on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07:30 to 18:30 Monday to Friday and 08:00 to 13:00 hours on Saturday, and at no time during Sundays and Bank Holidays.
- 16) The retail use hereby permitted shall not be open to customers outside the hours of 07:00 to 23:00.
- 17) The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents' and visitors' vehicles.
- 18) Prior to the first use of the retail use hereby approved, a Car Parking Management Plan shall be submitted to and approved in writing by the local planning authority. The car park shall operate in accordance with the approved details.
- 19) No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the local planning authority. The works shall be carried out as approved. The hard landscaping details shall include: proposed finished levels or contours, means of enclosure, other minor artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscaping works shall include: plans for planting and full written specifications and schedules of plants, including species, plant sizes and proposed numbers/densities where appropriate. If within a period of five years from the date of planting of any tree, plant or shrub, it is removed, uprooted, or destroyed or dies or becomes seriously diseased or defective, another tree, plant or shrub of the same species and size as that originally planted shall be planted at the same place.

- 20) No development, including works of demolition or site clearance shall take place until a Arboricultural Method Statement, Tree Protection Plan and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction – recommendations) has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
- 21) The refuse storage facility shown on the approved plans shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose.
- 22) No bonfire shall be permitted on site throughout the demolition and construction phase of the development.
- 23) The bedrooms to the proposed residential accommodation shall be provided with sufficient double glazing and acoustically treated trickle ventilators, or other means of ventilation that will provide adequate ventilation with the windows closed, to ensure that the occupiers are provided with reasonable resting/sleeping conditions with reference to BS8233: 2014 – Sound insulation and noise reduction for buildings – Code of Practice. Details of the proposed double glazing and acoustically treated trickle ventilators, or other means of ventilation shall be submitted in writing to and agreed by the local planning authority, and installed before any residential unit is occupied.
- 24) The rating level of noise (as defined by BS4142:1997) emitted from the air conditioning and refrigeration plant shall not exceed 5dB(A) above the prevailing background noise level. The measurement, position and assessment shall be made according to BS4142:1997.
- 25) No deliveries shall be taken at or despatched from the site outside the hours of 07:00 to 20:00 Monday to Saturday; 08:00 to 20:00 Sunday or Bank Holiday or other Public Holiday.

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Appeal Decision

Site visit made on 22 September 2015

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 October 2015

Appeal Ref: APP/J1535/W/15/3027904

47A Theydon Park Road, Theydon Bois, Epping, Essex CM16 7LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Sarah Turner against the decision of Epping Forest District Council.
 - The application Ref EPF/0180/15, dated 21 November 2014, was refused by notice dated 18 March 2015.
 - The development proposed is demolition of existing two storey dwellinghouse and construction of a new two storey building, with accommodation in the roof, to provide 5 x 2 bedroom apartments, plus associated car and cycle parking.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Sarah Turner against Epping Forest District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this case is the effect of the proposed parking arrangements on the efficient operation of Theydon Park Road and the character and appearance of the area.

Reasons

4. Policy ST6 of the Epping Forest District Local Plan 1998 with Alterations 2006 (LP) requires on-site car parking to be provided in accordance with the adopted 2001 standards or successor documents. The current Parking Standards (Essex County Council 2009) require flats or houses with two bedrooms or more to have two parking spaces. This indicates that the proposed development should have 10 spaces. The proposal is for five parking spaces.
5. Paragraph 2.5.1 of the Standards does allow for a relaxation of the requirement in main urban areas having frequent and extensive public transport and cycling and walking links. I recognise that the appeal site is within walking distance of the facilities in the centre of Theydon Bois and the underground station. However, the location does not amount to a main urban area where a high level of accessibility may lead to a demonstrably lower level of average car ownership among occupants of the proposed flats and, in turn,

- justify a significant reduction in the number of the parking spaces normally required.
6. Section 3.2 of the Standards advises that the preferred bay size is 5.5m by 2.9m. The proposed spaces would be 5m by 2.5m which is the minimum size set out in the Standards and which should only be used in exceptional circumstances. No such circumstances have been advanced in this case. The area available for parking is confined by site boundaries and a footpath. As such, any cars which are not parked accurately within the minimum sized spaces would likely inhibit the use of the adjoining space. Together with the shortfall in the total number of spaces provided therefore, I consider that the proposal is likely to lead to on-street parking and difficulties for vehicles manoeuvring into and out of the site.
 7. Although Theydon Park Road is subject to parking restrictions, they only apply between the hours of 1000 and 1100 and would not prevent on street parking at other times. Whilst the road is not heavily trafficked, it is free flowing and has little on-street car parking. Consequently, the additional on-street parking and conflicting vehicle movements likely to arise from the proposal would lead to a reduction in the efficient operation of Theydon Park Road. The proposal would not, therefore, comply with policy ST6 of the LP.
 8. The site is located in an area of mainly detached dwellings set behind reasonably generous front gardens which are enclosed by a mix of planting and low walls. The area, therefore, has a relaxed, suburban character which contributes positively to local distinctiveness.
 9. The appeal property is a detached two storey dwelling with an integral garage and parking in the front forecourt. It is, therefore typical of the properties in the area. The proposed building would be positioned slightly further back from the road frontage to allow for the provision of the parking spaces in the forecourt.
 10. The proposed parking and access area would take up the greatest part of the area in front of the proposed building. Whilst a narrow area would be retained along the site's northern boundary, much of this would be used to store refuse and recycling bins. The planting area immediately in front of the proposed building would help to soften views of the building itself, but would do little to screen views of the car parking from the street. There would be no space for planting between the car parking area and the front boundary of the site. Therefore, although a condition could be used to secure details of hard and soft landscaping, I consider that proposed site layout provides insufficient space for an effective planting scheme.
 11. I recognise that some other properties in the area have extensive areas of hard standing in the front forecourt. However, few have as little planting as would the appeal proposal. Moreover, the other properties appear to be predominately single household dwellings and, therefore, the parking areas are not used as intensively as would be the appeal proposal, particularly given the shortfall in the number of spaces proposed to be provided.
 12. Therefore, I find that the proposed parking arrangements would dominate the front of the site and lead to unwelcome on street parking. As a result, the site and adjoining road would take on a stark and urban appearance which would be out of keeping with its surroundings. Consequently, the proposal would

have a harmful effect on the character and appearance of the area. It would conflict with LP policy DBE6 which presumes against residential proposals where car parking dominates the street scene.

Other Matters

13. The appellant has referred to the London Plan and to Transport for London's Public Transport Accessibility Level indicators. However, the appeal site does not fall within the administrative area of the Mayor for London and, therefore, these provisions are not applicable. Reference is also made to the East of England Spatial Strategy. However, this plan is no longer in force.
14. The appellant contends that the Council cannot demonstrate a five year supply of deliverable housing land and therefore, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), relevant policies for the supply of housing should not be considered up to date. No detailed information on the housing land supply position in the District has been submitted. In any event, the development plan policies on which I have relied are not for the supply of housing and there is no firm evidence to indicate that they are in conflict with the Framework.
15. Whilst the Framework does support sustainable housing development on previously developed land, in this case the proposal conflicts with relevant development plan policies and the concerns set out above outweigh the benefits of the provision of four additional units.
16. My attention has been drawn to an appeal decision for the conversion of an existing house into flats at Greenview (appeal ref APP/J1535/A/13/2207004) which, the appellant argues, sets a precedent for the appeal proposal. The main issue in that scheme concerned affordable housing. Nevertheless, 12 on-site parking spaces were proposed for six two bedroom flats in a location which the appellant considers sustainable. As such, the number of spaces proposed appears to comply with the requirements of LP policy ST6 and the current Parking Standards. Therefore, whilst each proposal must be considered on its merits, I am not persuaded that the Greenview decision supports the amount of parking proposed in this appeal.
17. The appellant has raised concerns regarding the Council's handling of an earlier application (application ref EPF/2751/14) and points out that the application which is the subject of this appeal was recommended for approval by the Council's planning officer. However, I have dealt with the current proposal purely on its planning merits.
18. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Conclusion

19. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR

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Appeal Decision

Hearing held on 25 August 2015

Site visit made on 25 August 2015

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 September 2015

Appeal Ref: APP/J1535/W/15/3033482

Former Haulage Yard, Sewardstone Road, Waltham Abbey, Essex, E4 7RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by E W Davies Farms Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/1556/14, dated 26 June 2014, was refused by notice dated 19 November 2014.
 - The development proposed is demolition of all existing structures except the farmhouse and erection of up to 72 dwellings with ancillary parking, access and gardens, along with the erection of a community building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is submitted in outline form with access to be considered. Matters of appearance, landscaping, layout and scale are reserved for subsequent consideration. I have considered the appeal on this basis.
3. During the Hearing, the appellant withdrew a number of the drawings submitted with the planning application, relying only on drawings 'Site Location Plan', 13027_010, 13027_101A and ITB6205-GA-002D from the original submissions. Drawings 13027_110E, 13047_102B and 13027_112B accompanied the appeal documentation and were said to replace the previous drawings. All parties had the opportunity to consider the new drawings, which are in any case indicative, and I am satisfied that no party has been prejudiced. I have determined the appeal with regard to the drawings listed.

Main Issues

4. The main issues are:
 - (a) Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and whether it would have a greater effect on the openness of the Green Belt;
 - (b) The effect on the character and appearance of the area;
 - (c) Whether the development would be suitably located in terms of access to services, facilities and sustainable modes of transport;
 - (d) The effect on local employment provision;

- (e) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development and the effect on openness

5. Policy GB2A of the Epping Forest District Local Plan¹ (LP) restricts development in the Green Belt other than for specified purposes. This approach is consistent with the National Planning Policy Framework (the Framework) but it was highlighted by the appellant that less stringent restrictions are imposed by the latter. I agree that the policy is not entirely consistent with that of the Framework and as much more recently published national policy, I attach it greater weight.
6. Paragraph 79 of the Framework makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are to be regarded as inappropriate development, subject to a number of express exceptions outlined in paragraph 89.
7. It is agreed between the parties that the southern part of the site, which contains a series of commercial buildings, along with large areas of hard standing, would constitute a previously developed site for the purposes of the Framework. I have no reason to disagree. Paragraph 89 allows for the redevelopment of such land, whether redundant or in continuing use (excluding temporary buildings). However, this is subject to the caveat that development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
8. According to the appellant, the proposed development would involve a combined building footprint of 3169sq.m compared to the existing combined footprint of 2539sq.m. It is also confirmed that that the combined area of hard standing and built footprint would increase on the site as a result of the development, albeit to a lesser extent. In addition to this, I was told that the proposed dwellings would extend up to 2.5 storeys in height, with ridge heights exceeding that of even the tallest building currently existing on the site. Consequently, it is clear that the volume of buildings would be much greater than the existing structures, many of which are single storey and low level.
9. Openness is epitomised by the absence of buildings and whilst the existing buildings on the site undoubtedly have an impact in this respect, the proposed increase in volume, height and massing would, in my view, result in a greater impact on openness. I also noted that parts of the site were currently void of built development, including the grassed area towards the front of the site. The indicative drawings indicate that these areas would necessarily be built over to accommodate the number of dwellings sought and this would dramatically alter the openness of these parts of the site.

¹ Comprising the Epping Forest District Local Plan (1998) and Local Plan Alterations (2006)

10. The appellant suggests that the site does not perform a function as Green Belt land but the site is washed over by the Green Belt and any impact on its openness would be at odds with its essential characteristics of openness and permanence. Whilst the part of the site to be developed is not undeveloped countryside, it nevertheless contributes to the characteristics and purposes of the Green Belt.
11. I note the appellant's assertion that the development would involve reconfiguration of the built form within the site, increasing permeability and creating green fingers through the development so as to maximise views compared to the large planned buildings existing. However, these are largely matters relating to the visual impact of the development and the character of the area. The courts have established² a clear distinction between the concept of openness and visual impact and the appellant recognised this distinction during the Hearing.
12. Whilst I have had regard to the comments of the appellant that matters of openness and visual impact are interlinked and I recognise that parallel conclusions might often be reached on the two matters, this does not alter the need to make a distinct judgement on both in the overall balancing exercise required by the Framework. For the reasons set out above, the development would have a greater impact on the openness of the Green Belt and would conflict with its defined purposes, specifically to assist in safeguarding the countryside from encroachment.
13. As a consequence, the development does not fall within the exceptions outlined in the Framework and the proposal would be inappropriate development in the Green Belt, which is by definition, harmful. In accordance with paragraph 88 of the Framework, I attach substantial weight to this harm.

Character and appearance

14. The appeal is accompanied by a 'Landscape and Visual Issues relating to the Green Belt' (Landscape Appraisal) report dated May 2015. This recognises the linear form of the existing settlement and the varied landscape characteristics surrounding the site. With reference to a landscape appraisal carried out by the Council³ it is concluded that the northern edge of the settlement has a low overall sensitivity in terms of both its landscape character and visual prominence. That said, it is also highlighted that the northern edge of the settlement, in the location of the site, is characterised by a soft green urban edge lined with trees, hedgerows and woodland.
15. The Lee Valley Regional Park provides a woodland backdrop beyond the site to the west, whilst the undeveloped pasture land in the northern part of the site provides a distinctly rural and verdant appearance on approach to the built-up area of the settlement. In my view, the developed part of the site offers a visual transition between these areas. The existing buildings are set well back from the public highway behind a group of trees (subject to an area Tree Preservation Order) and grassed area. The commercial buildings are rural in their appearance, owing to their largely agricultural origins. The structures are well related to one another, generally low in height and screened on the boundaries by existing landscaping. Whilst some of the buildings have large

² Timmins v Gedling Borough Council [2014]

³ Epping Forest District Council Landscape Character Assessment (2010)

footprints, this is not uncommon for agricultural or similar rural buildings and this does not detract from the rural character of the area.

16. The proposed development would involve up to 72 dwellings which are shown indicatively to comprise a mix of house types, including detached, semi-detached and terraced properties over 2 or 2.5 storeys. Although smaller in footprint than many of the existing buildings on site, the proposed dwellings would cover a greater proportion of the site, including currently open areas. The buildings would also extend to a greater height across much of the site.
17. The development would appear as a large residential development in the context of this rural settlement, resulting in an urbanising effect on its edge. This would be prominent from Sewardstone Road and Hawes Lane despite proposals for increased landscaping on the northern part of the site, which would take some time to mature. Furthermore, I walked the footpath along the southern boundary of the site and a further path within the Lee Valley Regional Park, shown as Viewpoint 6 in the appellants Landscape Appraisal. The site was clearly visible from the latter and whilst established landscaping on the southern boundary provided some screening, the development would remain a prominent feature in gaps and on approach from the direction of Enfield Island Village.
18. The residential appearance of the development, its scale and visual prominence would be visually intrusive and harmful to the rural character of the area. Whilst the nature of the surrounding landscape, which is reasonably flat with field boundaries well enclosed by trees and hedgerows, would restrict long distance views of the development, it would nonetheless have significant and adverse impacts locally.
19. I note that the development would serve to break up the massing of the existing large buildings by replacing them with buildings of a domestic scale, that views would be possible between gaps in the built form and that permeability would improved for pedestrians on to the adjacent footpath. However, these matters do not alter my overall conclusions as to the visual impacts of the proposal. The development would harm the character and appearance of the area contrary to Policies CP1, LL1 and LL2 of the LP which require that development minimise impacts on the environment, respect or enhance the character of the landscape and conserve the character and appearance of the countryside. I attach significant weight to this harm.

Accessibility

20. Sewardstone is a small rural settlement which the appellant recognises as offering limited services and facilities compared to larger settlements. However, whilst encouraging sustainable patterns of development that encourage sustainable modes of travel such as walking and cycling, the Framework recognises that the opportunities for meeting these objectives will differ between urban and rural areas.
21. The Transport Accessibility and Sustainability Report accompanying the application identifies two public houses/restaurants and a hotel within Sewardstone and in close proximity to the site which would be accessible to future residents. It is also identified that a petrol station/convenience store is located around 1000m from the site. Whilst I acknowledge this, the presence of a petrol station is unlikely to promote the use of sustainable modes of

- transport and the associated shop is likely to provide only a very limited range of goods that would not meet the day to day needs of future residents.
22. A wider range of services and facilities is available at Enfield Island Village to the west of the site and accessible via the footpath and cycle route on the southern boundary of the site. This provides a Tesco Express store, gym, library and a doctor's surgery all within around 1,100m of the site according to the appellant. This wider range of services can be seen as accessible on foot or bicycle for many people but I noted the currently unlit nature of the paths leading from the site (though a developer obligation might be used to light the route) and its rural, largely secluded nature. It is unlikely that this would be an attractive route for unaccompanied children or other vulnerable people. Furthermore, the distance involved is likely to deter many people from walking and cycling.
23. The nearest bus stop to the site is located around 60m away on Sewardstone Road. The 505 route from these stops provides a 2 hourly service to Harlow and Chingford on Mondays to Saturdays with no service on Sundays or Bank Holidays. Services towards Chingford and its railway station commence at 7.14 with the latest return journey leaving Chingford station at 18.55. This offers a realistic opportunity for commuting, and making use of rail services to London but would offer limited flexibility given the infrequency of the service. A wider range of bus routes is provided at Enfield Island Village but again, this necessitates walking or cycling to an area that feels somewhat remote to Sewardstone itself.
24. It seems to me that there are limited opportunities for those committed to using sustainable modes of travel or that rely on such means to access some services and facilities in this way. However, access to many day to day facilities such as schools, hospitals and employment centres would require a lengthy or convoluted journey. I heard from local people that the existing bus services and facilities were not adequate and that elderly or immobile people find it very difficult to meet their day to day needs. In my view, the site cannot be seen as a location for residential development on this scale that is sustainable in accessibility terms. The distances from, and options for reaching day to day services and facilities, are likely to discourage sustainable patterns of movements and would instead lead to a reliance of private cars.
25. This would be contrary to the objectives of the Framework; as well as Policies CP1, CP3, CP6 and CP9 of the LP which, amongst other things, seek to minimise the impacts of development on the environment, reduce reliance of private cars, reduce commuting, ensure access by sustainable means of transport and generally promote sustainable patterns of development. This matter weighs against the grant of planning permission and I attach it significant weight.
26. I have had regard to the Council's resolution to grant planning permission (subject to S106) for 16 dwellings at Netherhouse Farm, close to the site. However, I do not agree with the appellant that this lends support to the appeal proposal in terms of the Council's conclusions on accessibility. The Council's Committee Report, provided during the Hearing, concludes that the site is not a sustainable location for development but that other matters outweigh the harm that would result in that case. As such, the resolution does not alter my conclusions on this matter.

Local employment

27. The proposal would include complete redevelopment of the site which is currently occupied by around 10 businesses and approximately 40-50 employees according to the appellant. The Council highlight the need to provide for a working countryside and facilitate local employment for people in rural areas. This approach is synonymous with the accessibility considerations set out above in that providing local employment opportunities reduces the need to travel.
28. A Commercial Viability Assessment (May 2015) accompanies the appeal documentation which involves an analysis of the existing buildings. It concludes that the predominantly former agricultural buildings are poorly suited to the commercial uses currently operating, that they do not meet modern day requirements and are reaching the end of their economic life. It highlights the availability of other commercial premises in the local area that could accommodate the relocation of displaced businesses. I also heard that existing occupiers were holding over on expired leases and that they were aware of the potential redevelopment.
29. I heard from an existing business owner occupying the site who found the existing buildings and facilities to be adequate for his business needs. Furthermore, it was suggested that the location of the unit was vital to maintaining the largely local trade that was attracted.
30. Whilst this is so, the Council was unable to offer any contrary evidence as to the commercial viability of the buildings or with respect to local employment needs in the area. Under these circumstances I can attach only limited weight to the need for retention of the employment use, particularly given the general unsuitability of the existing buildings for modern requirements. This is particularly so, given that Policy E4A specifically makes provision for the release of employment land for housing under these circumstances.
31. However, the weight that I attach to the Commercial Viability Assessment is all limited given that the site currently accommodates 10 businesses and there appeared to be no difficulty in the appellant finding occupiers for the buildings. Whilst the buildings may not meet modern requirements for many businesses, the site is clearly providing important employment opportunities for local people and contributing to a prosperous rural economy, a key objective of the Framework.
32. Overall, whilst it would be regrettable that local employment would be lost, I find no conflict with Policies CP1, CP3, CP6 and E4A of the LP, which whilst seeking to protect local employment where possible, allow for redevelopment where the site is unsuitable or uneconomic to redevelop for employment purposes. This is notwithstanding objectives to promote local employment and avoid the need to travel. Whilst I have not found a conflict with the development plan based on the evidence before me, the loss of employment cannot be considered to weigh in favour of the development and this is a neutral factor in my determination.

Other considerations

33. It is agreed between the parties that the Council cannot currently demonstrate a deliverable five year supply of housing sites as required by paragraph 47 of

the Framework and that consequently there is a housing need, including for affordable housing. In the context of the need to boost significantly the supply of housing and to deliver a mix of quality house types, the provision of up to 72 dwellings, 50% of which would be affordable units, weighs significantly in favour of granting planning permission, particularly as the site involves previously developed land.

34. The appellant highlights the presumption in favour of sustainable development advocated by the Framework and suggests that the decision taking criteria set out in paragraph 14 should apply in the absence of a 5 year housing land supply and up to date policies for the supply of housing. However, footnote 9 associated with this paragraph makes it clear that land designated as Green Belt is one example of a specific policy in the Framework which indicates that development should be restricted. Given the harm to the Green Belt that I have identified, the decision taking criteria set out in paragraph 14 are not engaged.
35. I have noted the proposed provision of a community building and a large area of open space as part of the development for use by future residents and existing people in the area. However, it was accepted during the Hearing that these elements of the scheme were offered as planning obligations as a benefit to local people rather than to mitigate the impact of the proposed development. This was agreed to be the case by both parties and no evidence is before me to suggest that such facilities are needed to make the development acceptable in planning terms or that they are fairly and reasonably related to the development in scale and kind. As such, the obligations would not meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and I cannot take them into account.
36. Other planning obligations are proposed and a Unilateral Undertaking was provided during the Hearing. There is no dispute between the parties that these obligations are necessary but I need only consider this matter in detail in the event that planning permission is granted.
37. A series of highway improvements are proposed as part of the development in order to facilitate safe access to the site and these would have broader safety benefits for existing users of the highway according to the Local Highway Authority. This is a benefit to which I attach significant weight.
38. I have had regard to the petition supporting the proposed development but as this does not explain the reasons for support, I can attach it only limited weight. This is particularly so as I have also received a number of detailed comments from local people objecting to the proposal.

Conclusion

39. I have identified that the proposed scheme would harm the openness of the Green Belt and represent inappropriate development in the Green Belt for the purposes of the Framework. In addition, the development would harm the character and appearance of the area and would lead to a reliance on the use of private vehicles as opposed to sustainable modes of travel. I have considered the grounds presented in support of the development but together they do not outweigh the harm the scheme would cause. Consequently, the

very special circumstances necessary to justify the development have not been demonstrated. As such, I conclude that the appeal should be dismissed.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alan Simmonds	Agent
Gary Soltys	Landscape Architect
Neil Marshall	Transport Consultant
Hugh Morgan	Chartered Surveyor
Andrew Davies	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Dominic Duffin	Planning Officer
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INTERESTED PERSONS:

Ian Barnard	Local resident
Mr Hardy	Local resident
Mr Houghton	Local resident
Mrs Houghton	Local resident
Councillor Lea	Local Councillor
Councillor Shiels	Local Councillor

DOCUMENTS

Document 1	Unilateral Undertaking dated 24 August 2015
Document 2	Timetable for bus route 505
Document 3	Appellant's floor area calculations and comparisons
Document 4	Landscape Strategy Plan (1:500 @ A1 copy)
Document 5	Committee Report relating to proposal at Netherhouse Farm
Document 6	Updated Personal Accident Injury Data

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Appeal Decision

Site visit made on 3 June 2015

by H Lock BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 June 2015

Appeal Ref: APP/J1535/W/15/3004190
134 High Street, ONGAR, Essex, CM5 9JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Hayes against the decision of Epping Forest District Council.
 - The application Ref. EPF/2358/14, dated 1 October 2014, was refused by notice dated 5 January 2015.
 - The development proposed is change of use from retail (A1) to estate agency (Use Class A2).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from retail (A1) to estate agency (Use Class A2) at 134 High Street, Ongar, Essex, CM5 9JH, in accordance with the terms of the application, Ref. EPF/2358/14, dated 1 October 2014, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14-050/01; 14-050/02; and 14-050/03.

Main Issue

2. The main issue is the effect of the proposal on the retail function of the High Street, and the vitality and viability of the town centre.

Reasons

3. The appeal premises is a vacant former retail unit set within Ongar High Street, which comprises a range of ground-floor commercial uses for its length, and some first-floor residential units and dwellings to the rear. The site is also located within a designated Key Retail Frontage within the defined Ongar Town Centre, as shown in the Epping Forest District Local Plan Alterations 2006 (LP).
 4. In order to maintain the vitality and viability of the main town centres in the district, LP Policy TC3 advises that within such centres, subject to certain criteria, the Council will permit new retail and other town centre uses that make the centres attractive and useful places to shop, work and visit, but that proposals that could have a detrimental impact upon the vitality and viability of
-

the centres will be refused. LP Policy TC4 supports the provision of non-retail uses at ground floor level within key retail frontages provided the resulting non-retail frontage would not exceed 30%, or result in more than two adjacent non-retail uses. In this case, although the appeal premises is next to another A2 use, they would sit between retail units.

5. There is disagreement between the parties as to the proportion of non-retail units within the Key Retail Frontages, with the appellant suggesting compliance with LP Policy TC4. At the time of the appeal site visit, I could not corroborate the findings of either party, but on numbers alone (rather than frontage metres, as used by the Council) the proportion of non-retail uses within the key frontages appeared to be in excess of 30%.
6. The aims of the Council's policies to support the vitality and viability of its town centres is consistent with national policy, but the policies are less flexible in their application. The National Planning Policy Framework (the Framework) encourages competitive town centre environments, and seeks to include a wider range of uses in centres, including retail but also leisure, commercial, office, tourism, cultural, community and residential development.
7. In addition, since the appeal was lodged, the government has introduced new permitted development rights to reduce the number of development types which are required to go through the full planning process. A stated purpose of introducing such legislation is to support mixed and varied high streets by allowing, for example, more change of use between shops and financial and professional services¹. There is no suggestion that express planning permission is not required for the appeal proposal, but the change in legislation is a further indicator of the national approach to town centre development.
8. In this context, I find that the specific criteria of LP Policy TC4 is outweighed by more up-to-date national policy and objectives. On the basis of the information before me, there is little evidence of unit vacancy in the High Street, which has a range of uses typical for a town centre, all of which contribute to maintaining its vitality. The appeal unit remaining vacant would not help to sustain a viable centre. I note the concerns of the Council and some local people regarding the robustness of the marketing undertaken in advance of the application, but in the absence of any substantive evidence to the contrary I have no reason to doubt its reliability.
9. I therefore conclude that the proposed change of use would not undermine the retail function of the High Street, and finding a new use for a vacant building would support the vitality and viability of the town centre. This would accord with the objectives set out in the Framework, and the aims of LP Policies TC3 and TC4, if not all of their specific criteria.

Other Matters

10. The appeal premises is a Grade II listed building situated in the Chipping Ongar Conservation Area. No physical changes to the fabric are proposed in this submission, and as such the proposal would have a neutral impact on the historic building and its setting. However, finding a productive use for these vacant premises would be beneficial to its long-term maintenance, and the use

¹ Written statement to Parliament - Planning update March 2015, delivered 25 March 2015

would reinforce the active frontage, thereby preserving the character and appearance of the conservation area.

Conditions

11. In addition to the standard time limit, for the avoidance of doubt and in the interests of proper planning I also impose a condition specifying the approved plans. The original officer report included a recommended condition requiring the retention of the existing glazed shop front for display purposes, although this has not been reiterated at the appeal stage. However, I am not convinced that such a condition would meet the tests set out in the Framework, in that it is not necessary, is not precise or therefore enforceable. Drawing no. 14-050/02 indicates a window display, and no physical changes to the listed building are proposed in this appeal.

Conclusion

12. For the above reasons, I conclude that the appeal should be allowed.

Hilary Lock

INSPECTOR

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Appeal Decision

Site visit made on 18 October 2013

by **Terry G Phillimore MA MCD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 November 2013

Appeal Ref: APP/J1535/A/13/2192628

261 High Street, Epping CM16 4BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Di Piazza against the decision of Epping Forest District Council.
 - The application Ref EPF/1924/12, dated 28 August 2012, was refused by notice dated 23 January 2013.
 - The development proposed is conversion of office space (disused) into 3 self contained flats and alterations to existing bedsits into a single self contained flat.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of office space (disused) into 3 self contained flats and alterations to existing bedsits into a single self contained flat at 261 High Street, Epping CM16 4BP in accordance with the terms of the application, Ref EPF/1924/12, dated 28 August 2012, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 08003.SP, 08003.002 Rev:P1, 08003.003 Rev:P1, 08003.004 Rev:P1.

Main Issue

2. The main issue is the effect the proposal would have on highway conditions in the vicinity.

Reasons

3. The proposal relates to first floor accommodation which currently comprises 3 bedsits and vacant offices. The Council raises no objection to the principle of conversion to all residential use, with evidence submitted to show a lack of demand for the office space.
4. Policy ST6 of the Epping Forest District Local Plan 2006 expects all development proposals to provide off-site parking in accordance with its standards. The current relevant standards are set out in the Essex County Council Parking Standards Design and Good Practice 2009.

5. No off-street parking is associated with the proposal. According to the appellant's undisputed calculations, under the standards there would be a requirement for 5 spaces for the existing uses and 6 for the proposal. The parking standards document identifies that the standards can be reduced in town centre locations with good access to public transport.
6. The site is located within Epping Town centre. This is agreed to be a sustainable location with ready access to facilities. Notwithstanding that the existing uses are long-established, the parking demand generated by the proposal is unlikely to be significantly greater than that resulting from these uses. In this context the application of a relaxation from the normal standards would favour allowing the proposal, and there is no material conflict with the development plan in this respect.
7. In addition, the proposal would be a sustainable development which warrants support according to the National Planning Policy Framework. This advises that development should only be refused on transport grounds where the residual cumulative impacts are severe. There is no evidence to suggest that there would be such an impact in this case.
8. The Council refers to another appeal decision (ref APP/J1535/A/11/2160122) in support of the refusal, but that related to a proposal largely involving new build accommodation in a different town centre (Waltham Abbey), and therefore differed materially from the current scheme.
9. Listed building consent has been granted by the Council for the proposed works (ref EPF/1938/12) and the conversion would preserve the character and appearance of the Epping Conservation Area.
10. A condition specifying the approved plans is needed for the avoidance of doubt and in the interests of proper planning. The appellant suggests that provision for cycle parking within the site could be made. While this would be welcome, in the circumstances it is not necessary for the proposal to be acceptable, and therefore a planning condition requiring such provision is not warranted.
11. For the reasons given above I conclude that the appeal should be allowed.

T G Phillimore

INSPECTOR