

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF PLANNING SERVICES SCRUTINY STANDING PANEL  
HELD ON TUESDAY, 5 JANUARY 2010  
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.35 - 10.05 PM**

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| <b>Members Present:</b>       | Mrs L Wagland (Chairman), K Chana (Vice-Chairman), R Frankel, J Hart and Mrs P Richardson   |
| <b>Other members present:</b> | Mrs M Sartin, Mrs P Smith and J M Whitehouse  |
| <b>Apologies for Absence:</b> | Mrs C Pond  |
| <b>Officers Present</b>       | D Macnab (Deputy Chief Executive), J Preston (Director of Planning and Economic Development), P Maddock (Assistant Director (Accountancy)), N Richardson (Assistant Director (Development Control)), S Amin (Senior Accountant) and M Jenkins (Democratic Services Assistant) |

**39. SUBSTITUTE MEMBERS**

There were no substitute members at the meeting.

**40. DECLARATIONS OF INTEREST**

Pursuant to the Council' Code of member Conduct, Councillor Mrs M Sartin declared a personal interest in Item 8 of the agenda – Lee Valley Park Draft Development Document. The interest was prejudicial, as she was a District Council representative of the Lee Valley Park Authority, she indicated that she would leave the meeting for the duration of the discussion on the item, although as a non-panel member she did not have voting rights.

**41. NOTES FROM THE LAST MEETING**

**RESOLVED:**

That the notes of the last meeting of the Panel held on 10 November 2009 be agreed subject to the following amendments:

- Under "Officers Present" R Sharp, Principal Accountant had been omitted from the notes, he was in actual fact present.
- Under Item 31 "Terms of Reference" the date "10 January 2010" should be amended to "5 January 2010."
- Under Item 32 "Work Programme" the sub-heading "Item 5 Comments from Planning Agents and Amenity Groups required matching," change "would collate statistics from past Planning Agents and Amenity Group's meeting" to "would match comments."
- Under Item 32 – "Work Programme" the sub-heading "Item 12 Update on Current Staffing Situation," change "Environmental Co-Ordinator

was being filled by Ms S Knightsman” to “Environmental Co-Ordinator was being filled by Ms S Creitzman.”

#### **42. TERMS OF REFERENCE**

Mr J Preston, Director of Planning and Economic Development, advised that there were two items from the Provision of Value for Money within Planning Services Task and Finish Panel’s Terms of Reference, which would be transferred to the current Work Programme.

#### **43. WORK PROGRAMME**

The following updates to the Work Programme were noted:

##### **Item 1 (b) Local Development Framework (LDF)**

The Cabinet meeting on 4 January 2010 had discussed the Gypsy and Traveller Development Plan Document, it was expected that at Full Council on 19 January 2010 members would ask for a meeting with the relevant Government minister concerning Gypsies and Travellers.

##### **(e) Improvement Plan**

The Improvement Plan required updating. There would be a verbal update at this meeting.

##### **Item 2 Value for Money Provision**

It was intended that a Building Control report would be put before the Panel in February 2010 regarding shared services.

##### **Item 3 Chairmen and Vice Chairmen of Area Planning Committees**

The notes of the Development Control Chair and Vice Chair meeting of 15 October 2009 were still outstanding. The Chairman was concerned that the action points from the earlier March 2009 meeting had not been acted upon.

**ACTION:** Planning Officers to produce an action list from the Chairmen and Vice Chairmen of Area Planning Committee meetings for the next Panel meeting.

##### **Item 4 Report from Legal on Performance at Planning Appeals**

A meeting had not been arranged to discuss this topic. The outcome to be reported back to the Panel.

##### **Item 5 Comments from the Planning Agents and Amenity Groups required matching.**

**ACTION:** J Preston to canvass the options of Planning Agents and Amenity Groups for arranging a meeting.

##### **Item 7 That a report be produced for the Panel setting out some timelines for the possible route any planning enforcement investigation should take.**

This would go before a future Panel meeting.

**Item 10 Review the Corporate Planning Protocol with respect to dealing with applicants agents, developers and the local business community to ensure that the highest standards of probity and governance are achieved.**

D Macnab advised that this item was being raised at the Constitution and Member Services Panel. However members indicated they would like to maintain a watching brief on this item.

#### **44. BEST VALUE REVIEW**

Mr N Richardson, Assistant Director of Planning and Economic Development, presented the Development Control Best Value Review Summary 2009 to the Panel.

The following points were made:

- 1,972 planning applications were received in 2008-09
- Performance indicators were categorised as “major,” “minor,” and “other.”
- “Major” applications involved any scheme on a site of over 1 hectare;  
A residential scheme on any a site over 0.5 hectares;  
A residential scheme providing more than 10 dwelling units; and  
A commercial scheme of over 1,000 square metres floorspace
- “Minor” applications involved any other commercial development or new dwellings
- “Other” involved householder applications (extensions to houses etc), advertisements, listed building applications and applications for certificates of lawful development

#### **Performance**

- The “major” applications for 2008/09 were 59.8%.
- The “minor” applications for 2008/09 were 79.64%.
- The “other” applications for 2008/09 were 89.88%.
- The “majors” often involved S106 agreements which took a greater length of time in drawing up the legal agreements.
- Planning appeals allowed in 2008/09 were 40.3%. This was felt to be too high. It was confirmed that the figures regarding appeals did not include appeals made but withdrawn. Members indicated that they would like to see figures on the number of appeals withdrawn.

#### **ACTION:**

- (1) That the number of planning application appeals withdrawn for the last 5 years be put before the Panel;

- (2) That the financial information concerning planning appeals and enforcement be provided in separate tables; and
- (3) That benchmarking information using CIPFA or Audit Commission sources, is also provided as before.

Information regarding applications and enforcement to be provided for the Panel and bench marking information (CIPFA and Audit Commission) as well.

- It was advised that prior to 2008/09 Planning Services introduced a new computer system, Northgate M3, as a result expenditure on supplies and service were unnaturally high and distorted the statistics for a short period.

It was suggested that with different delegated powers performance could be improved. It was said that the change in the planning committee cycle from a meeting every 4 weeks to one every 3 weeks had not made a significant impact on targets although Mr Nigel Richardson thought it better to keep within the current arrangements.

The members requested that the report be re-submitted to the Panel together with a report from the Finance and Performance Management Scrutiny Panel regarding bench marking data. In particular members of the provision of Value for Money within Planning Services Task and Finish Panel who were not on this Panel should see the report. The figures seen by the Panel should form an appendix to the report. Members not present tonight at this Panel were to see the information before the next meeting.

**RESOLVED:**

- (1) That the Best Value Review report be re-submitted to the Panel; and
- (2) That members of the Provision for Value for Money within Planning Services Task and Finish Panel receive the report.

**45. LEE VALLEY PARK DRAFT DEVELOPMENT DOCUMENT**

Mr J Preston, Director of Planning and Economic Development, presented the Lee Valley Park Draft Development Document to the Panel. The Lee Valley Regional Park Authority were conducting a consultation on the Regional Park Development Framework. The Framework set out a draft vision and proposals for the future of the Regional Park. The consultation deadline was 31 January 2010.

The members raised the following points:

- Concern about issues such as conservation of natural features, and resolution of conflicts between competing priorities.
- The consultation document advised that the park received 4 million visitors, surprise was therefore expressed that there was no expected target for an increase on this. It was understood that the Park Authority's Business Plan gave information which should have been further summarised into this document.

- The Olympic and legacy developments were examples of economic development, however there was limited mention of this.
- The consultation document mentioned the role of water transport, but it was unclear and lacked sufficient emphasis.
- The Park's hinterland was not considered to be recognised in the document.
- Comments to be included from EFDC Sports Development

#### **46. COMMENTS FROM LOCAL COUNCILS**

The Panel received a report regarding Officer Delegation – Planning Applications: Comments by Town and Parish Councils, from Mr N Richardson, Assistant Director of Planning and Economic Development.

The report concerned parish councils stating “no objection” to planning applications which had been viewed by Planning Officers as a neutral stance to those applications, thereby giving authority to make a delegated decision either granting or refusing consent. The report had been put before the Constitution and Member Services Scrutiny Panel on 29 June 2009. The members there had felt there was no need to change Officer Delegation. The report was later requested by the Chairman of the Planning Services Scrutiny Standing Panel for further discussion. The Panel concluded the following:

- It was considered that most Parish and Town Councils used the term “object” when they actively thought permission should be refused; “support” when they actively thought permission should be granted and “no objection” in all other cases.
- It would not be wise to be prescriptive as to the form that any further comment made by such councils might take. Officers did not generally have difficulty identifying support from general comments, but in some cases there was not a strong enough point made to justify an application going before a planning committee.
- It was noted that it was very rare for planning officers to see the word “object” from a local council without accompanying text.
- Local councils should remain neutral on planning applications.
- It was identified that a parish Council was utilising “support” for no objection in their responses to planning applications. This should not be necessary and the Chairman indicated that she would communicate directly with them in regard to this.

#### **RESOLVED:**

That no change be made to the Terms of Delegation to the Director of Planning and Economic Development regarding reference of planning to Area Plans Sub-Committees.

#### **47. PLANNING SERVICES STAFF STRUCTURE**

The Panel received a staffing “Family Tree” of the Planning Directorate. The members were advised of a few minor corrections, such as Peter Millward, Business Manager, reported to John Kershaw, Assistant Director Planning (Building), and not directly to John Preston, Director.

The following updates were given regarding the staffing situation:

- The Senior Development Control Planning Officer vacancy, had been advertised internally, and two applications had been received.
- A Senior Enforcement Officer post was being advertised externally.
- Recruiting was going on for a Technical Post within Landscape Team.

Members requested that the staffing “Family Trees” should be put into the Bulletin.

**RESOLVED:**

That the staffing “Family Trees” be put in the Bulletin as soon as possible.

Members requested that the “Family Tree” should be put on the District Council’s website and that some extension numbers be attached to the post holders as well.

**48. IMPROVEMENT PLAN**

The Panel received the Planning Directorate Improvement Plan. The members were updated on the Plan. Members were advised that this item, a regular one on the Panel’s agenda would be on the next meeting with a more fully updated plan and progress report.

**49. ANY OTHER BUSINESS**

There was concern that the highways and footways were being damaged by developers during construction work. It was advised that was for Essex County Council Highways to enforce.

**50. DATES OF FUTURE MEETINGS**

The next programmed meeting of the Panel was on 11 February 2010 and thereafter on 27 April 2010.