

**Scrutiny Standing
Panel Agenda**



**Planning Services Scrutiny Standing Panel
Tuesday, 11th December, 2012**

You are invited to attend the next meeting of **Planning Services Scrutiny Standing Panel**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Tuesday, 11th December, 2012
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Mark Jenkins - Office of the Chief Executive
Email democraticservices@eppingforestdc.gov.uk Tel: 01992
564607

Members:

Councillors J Wyatt (Chairman), P Keska (Vice-Chairman), K Angold-Stephens, A Boyce, G Chambers, K Chana, Mrs R Gadsby, Ms H Kane, Mrs C Pond, B Sandler and J M Whitehouse

SUBSTITUTE NOMINATION DEADLINE:

18:30

1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS

(Assistant to the Chief Executive). To report the appointment of any substitute members for the meeting.

3. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive). To declare interests in any items of the agenda.

In considering whether to declare a personal or a prejudicial 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 personal and prejudicial interest in any matter before an Overview and Scrutiny 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 Overview and Scrutiny meeting purely for the purpose of answering questions or providing information on such a matter.

4. NOTES FROM THE LAST MEETING (Pages 5 - 8)

To agree the notes of the last meeting of the Panel held on 7 November 2012 (attached).

5. TERMS OF REFERENCE (Pages 9 - 10)

The Terms of Reference are attached.

6. WORK PROGRAMME (Pages 11 - 14)

The Work Programme is attached.

7. DEMONSTRATION OF WEBCASTING

To receive a demonstration of webcasting from the Senior Democratic Services Officer.

8. CLG CONSULTATION - EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR HOMEOWNERS AND BUSINESSES (Pages 15 - 26)

(Director of Planning and Economic Development) To consider the attached report.

9. EXTENDING THE RANGE OF PRE-PLANNING APPLICATION CHARGING (Pages 27 - 38)

(Director of Planning and Economic Development) To consider the attached report and appendices.

10. PRELIMINARY REPORT ON WORK PROGRAMME 2013-14 (Pages 39 - 54)

(Director of Planning and Economic Development) To consider the attached report and appendices.

11. RECENT MEETING OF THE CHAIRMAN AND VICE CHAIRMAN OF THE AREA AND DISTRICT DEVELOPMENT CONTROL COMMITTEE (Pages 55 - 60)

(Director of Planning and Economic Development) To consider the attached notes of the last meeting of the Chairman and Vice Chairman of the Area and District Development Control Committee held on 11 September 2012.

12. ANY OTHER BUSINESS

13. DATES OF FUTURE MEETINGS

The next programmed meeting of the Panel will be held on Tuesday 16 April 2013 at 7.30p.m. in Committee Room 1.

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**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF PLANNING SERVICES SCRUTINY STANDING PANEL
HELD ON WEDNESDAY, 7 NOVEMBER 2012
IN COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING
AT 8.55 - 9.42 PM**

Members Present: J Wyatt (Chairman), P Keska (Vice-Chairman), K Angold-Stephens, G Chambers, Mrs R Gadsby, Ms H Kane and Mrs C Pond

Other members present: Mrs M Sartin, R Bassett, Mrs A Grigg, Mrs J Lea, A Mitchell MBE, Ms G Shiell, Mrs P Smith, Ms S Stavrou, G Waller and Mrs E Webster

Apologies for Absence: A Boyce, B Sandler and J M Whitehouse

Officers Present J Preston (Director of Planning and Economic Development) and M Jenkins (Democratic Services Assistant)

11. SUBSTITUTE MEMBERS

It was noted that Councillor Mrs M Sartin was substituting for Councillor T Boyce.

12. DECLARATIONS OF INTEREST

(1) Pursuant to the Member's Code of Conduct, Councillor J Wyatt declared a non pecuniary interest regarding the following item of the agenda. The Councillor advised that as a London Borough of Enfield Councillor for several years, until May 2006, he had taken account of all the relevant considerations at that time and voted in favour of the proposed road. However, he was now looking at the matter afresh in the light of current circumstances and had taken account of all the information provided and would now be supporting the decisions taken by this Panel to Enfield's consultation document. The Councillor indicated that he would participate in the discussion and voting thereon:

- Item 6 Northern Gateway Access Package (NGAP) Proposed by London Borough of Enfield

(2) Pursuant to the Member's Code of Conduct, Councillors R Bassett, Mrs M Sartin and J Wyatt declared a non pecuniary interest in the following item of the agenda by virtue of being District Council representatives on the Lee Valley Regional Park Authority. The Members indicated that they would remain in the meeting for the duration of the discussion and voting thereon:

- Item 6 Northern Gateway Access Package (NGAP) Proposed by London Borough of Enfield

(3) Pursuant to the Member's Code of Conduct, Councillors K Angold-Stephens and Mrs C Pond declared a non pecuniary interest in the following item of the agenda by virtue of being members of Loughton Town Council. The members indicated that they would remain in the meeting for the duration of the discussion and voting thereon:

- Item 6 Northern Gateway Access Package (NGAP) Proposed by London Borough of Enfield

(4) Pursuant to the Member's Code of Conduct, Councillors Mrs R Gadsby, Mrs H Kane, Mrs E Webster and J Wyatt declared a non pecuniary interest in the following item of the agenda by virtue of being members of Waltham Abbey Town Council. The members indicated that they would remain in the meeting for the duration of the discussion and voting thereon:

- Item 6 Northern Gateway Access Package (NGAP) Proposed by London Borough of Enfield

13. NOTES FROM THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel, held on 12 June 2012, be agreed.

14. TERMS OF REFERENCE

The Panel's Terms of Reference were noted.

15. NORTHERN GATEWAY ACCESS PACKAGE (NGAP) PROPOSED BY LONDON BOROUGH OF ENFIELD

The Panel received a report from the Director of Planning and Economic Development regarding the Northern Gateway Access Package (NGAP) proposed by London Borough of Enfield within its consultation on the North East Enfield Area Action Plan.

The Northern Gateway Access Package was included within a consultation by London Borough of Enfield (LBE), the package included a scheme which was previously called the Northern Gateway Access Road (NGAR), and had been considered at a major public inquiry ten years ago, where it was rejected.

LBE had aspired to a direct or indirect route using the North South Road (A1055) Mollison Avenue to the M25 for many years. The North South Road served many employment sites and activities within the northern part of Enfield and allowed access to a variety of residential communities. It passed through a residential area around Bullsmoor Lane before the lane met with the A10 south of Junction 25 of the M25. The A1055 was mostly a single carriageway in the same direction. There was also a rather limited and complex access from a continuation of the North South Road where it met the North Circular Road A406. The A1055 continued south serving mainly employment areas to the east just to the north of the North Circular Road, but also served employment areas running down to Tottenham Hale.

The case for NGAR was that existing congestion held back economic development across a large area of London. For economic reasons, a new route for traffic to get into and out of this part of London could be achieved by utilising the A121 to the south of Waltham Abbey to achieve access and egress at Junction 26 of the M25 rather than only at Junction 25.

The North East Enfield Area Action Plan

The document was currently at consultation stage with the closing date for comments being 8 November 2012. It was advised that the document contained many proposals of merit, for example in seeking to improve the public realm around many shopping parades or centres, or increasing the green links between the area covered by the plan and adjacent areas including those within Epping Forest district.

The Director of Planning and Economic Development felt that NGAR was a fundamentally flawed proposal and it was not understood how these flaws could be resolved, for example:

- (a) The proposal was still within the Green Belt,
- (b) The proposal was still within the Regional Park,
- (c) There was no new traffic model to overcome all the previous points; and
- (d) The proposal would still disgorge Enfield traffic into parts of Waltham Abbey before that traffic could reach the M25 at Junction 26.

Its basic purpose was unchanged, and its disadvantages were not overcome with the passage of time.

It was advised that:

- (i) There was no recognition within the consultation that the junction of the continuation of the North South Road where it met the A406 North Circular, lying in a very built up area, might be capable of alteration to improve accessibility to the strategic road network for all traffic, but including heavy goods vehicles.
- (ii) Neither was there any indication whether any consideration had been given to a different arrangement to secure direct access to the M25 and which the Highways Agency would sanction.

Duty of Co-operation

The Localism Act 2012 introduced the statutory duty to co-operate on strategic planning matters between neighbouring Local Planning and other authorities. The District Council had long participated in the Enfield Essex Hertfordshire Border Liaison Group, and its terms of reference were amended to include reference to the duty to co-operate.

Whilst the aspiration for NGAR or NGAP had been mentioned at the regular meetings of the Enfield Essex Hertfordshire Border Liaison Group, there had been no meaningful and specific discussion about it, or other options that had involved the District Council. Had there been, it might have been expected that EFDC would have included a specific reference to this in our Issues and Options consultation on the new EFDC Local Plan, and that the residents of Meridian Park, Waltham Abbey in particular would have been made aware of its resurrection. Businesses in Waltham Abbey should also be aware of this. It was unclear as to how they would be aware unless LBE had undertaken a specific exercise to draw their attention to where this had now reached. It was also considered that the consultation with the District Council, local residents and businesses in the area had also been less than adequate. It was not understood that Waltham Abbey Town Council were specifically consulted.

Members were concerned about Junction 26 which was frequently congested, on nearby Woodridden Hill there were queues of traffic, almost as long as the road itself, in both directions. It was also stated that an insufficient presentation had been made to the Enfield Essex Hertfordshire Border Liaison Group concerning the consultation.

The Panel requested that a letter, signed by the Leader and Planning Portfolio Holder, should be sent to the London Borough of Enfield outlining the District Council's concerns regarding the consultation.

RECOMMENDED:

(1) That the District Council restated its objections to the Northern Gateway Access Road or NGAP which were put to the previous Public Inquiry in 2002 and accordingly that it formally object to the inclusion of NGAR or NGAP within the North East Area Action Plan;

(2) That the District Council object to the fact that NGAR or NGAP had been resurrected within the plan of one authority when as a scheme it required development within two administrative areas and there is no clear analysis of what NGAR or NGAP is trying to achieve or how it overcame the many objections made and sustained by the previous inquiry and that, as such it amounted to an unreasonable option;

(3) That the District Council was not satisfied that the explanation for the scheme, or the consultation, or that the consultation held is sufficiently adequate, and judges that the pursuit of the scheme is going to be costly for the public purse at a time scarce public funds;

(4) That the District Council is asked to provide the resources necessary to pursue its objections, in particular to examination or other public inquiry, should that be necessary, including the use of the same counsel who successfully represented this Council at the previous inquiry;

(5) That the Council's position is drawn to the attention of other stakeholders irrespective of whether they support or object to NGAR or NGAP; and

(6) That a letter be sent to London Borough of Enfield, signed by the Leader and Planning Portfolio Holder, outlining the District Council's concerns concerning the consultation.

16. ANY OTHER BUSINESS

There was no other business for discussion.

17. DATES OF FUTURE MEETINGS

The next programmed meeting of the Panel was on 11 December 2012 at 7.30p.m. in Committee Room 1.

TERMS OF REFERENCE - STANDING PANEL

Title: Planning Services

Status: Standing Panel

Terms of Reference:

1. To consider and review Measures taken to Improve Performance within the Directorate concerning;
 - a) Performance standards and monitoring,
 - b) Benchmarking of Services
 - c) Other Reviews
2. To consider and review Business Processes, Value for Money and Staffing arrangements for the Directorate focusing on;
 - a) Development Control, Appeals and Enforcement.
 - b) Forward Planning, Economic Development, Conservation and Trees and Landscape
 - c) Building Control and the Planning Support Team
3. To monitor and receive reports/updates on the delivery of the Local Plan
4. To monitor and receive reports/updates on the Planning Electronic Document Management System. To provide information regarding the progress and availability of planning information held on i-Plan.
5. To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process each year;
6. To report to the Overview and Scrutiny Committee at appropriate intervals on the above. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

Chairman: Councillor J Wyatt

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Planning Services Standing Panel (Chairman – Cllr J Wyatt)			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
1. To consider and Review Measures taken to Improve Performance within the Directorate	16 April 2013		12 June 2012; 11 September; Cancelled
2. To consider and Review Business Processes, Value for Money and Staffing arrangements for the Directorate: a. To consider the Financial Review (Bus Plan Section 3b) b. To consider the Business and Environmental Review (Appendix Business Plan) c. To consider the Directorate Value for Money Statement (Business Plan Section 4 (f))	TBA		7 November Extra-Ordinary Meeting 11 December; and 16 April 2013
3. To monitor and receive reports/updates on the delivery of the Local Plan: a. To report on the progress of the Local Plan b. To provide further updates on the Local Plan	Minimal verbal report at each meeting		

4. To monitor and receive reports/updates on the Planning Electronic Document Management System	TBA		
5. To consider the Business Plan	16 April 2013		
6. To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process each year. To provide reports/updates as and when required.	TBA		
7. To report to the Overview and Scrutiny Committee at appropriate intervals on the above.	To consider at each meeting.		
8. Any recent meeting of the Chairman and Vice Chairman of the Area and District Committees Invitation Panel	11 December 2012	Any recent meeting of the Chairman and Vice Chairman of the Area and District Committees Invitation Panel.	
9. To receive a demonstration on the webcasting of Area Plans Sub-Committees.	11 December 2012		
10. Section 106 Agreements	12 June 2012	COMPLETED	

11.	Probity in Planning	12 June 2012	COMPLETED	
12.	Northern Gateway Access Package (NGAP) Proposed by London Borough of Enfield	7 November 2012	COMPLETED	
13.	CLG Consultation – Extending Permitted Development Rights for Homeowners and Businesses	11 December 2012		
14.	Preliminary Report on Work Programme 2013/14	11 December 2012		

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Report to Planning Services Scrutiny Standing Panel

Date of meeting: 11 December 2012

**Subject: CLG Consultation – Extending Permitted
Development Rights For Homeowners and Businesses**

Officer contact for further information: Nigel Richardson (01992 56 4110)

Committee Secretary: Mark Jenkins (01992 56 4607)

Recommendations/Decisions Required:

- (1) To agree responses to the specific consultation questions on the draft technical consultation.**

Report:

The Coalition Government is planning to make a number of changes to the planning regime in order to reduce bureaucracy, speed up the process, reduce cost and contribute to the drive towards growth as part of its concerted economic stimulation package.

One of these is a proposed change to the permitted development regime. Permitted development rights are a deregulatory tool set by Parliament and therefore established nationally, and use a general impacts-based approach to grant automatic planning permission for development that complies with limitations and conditions that are set out in the parts to Schedule 2 of the Town and Country Planning (general permitted Development) Order 1995. The proposed changes were announced with the publication on 12th November 2012 of a technical consultation entitled "Extending Permitted Development Rights for Homeowners and Businesses". A consultation period is now running until 24 December 2012 on these proposed changes, which are set out below.

Residential

Currently, single-storey rear extensions with a depth beyond the rear wall of 4m for a detached house and 3m for any other type of house, are permitted development (subject to various limitations) do not require planning permission. The proposal is to increase this to 8m for a detached house, and 6m for any other type of house. This would also cover conservatories at the rear of properties.

No changes are proposed for flats and extensions of more than one storey and all other current limitations and conditions remain the same e.g:

Development can only cover up to 50% of the curtilage of the house;
Single-storey extensions must not exceed 4m in height;
Extensions with eaves higher than 3m must not be within 2m of the boundary;
Building regulations, Party Wall Act requirements and the 'right to light' continue to apply;
and National Planning Policy Framework policies on 'garden-grabbing' remain in force.

These proposals do not permit separate outbuildings for residential accommodation ("beds in sheds"), or for the creation of separate residential units although the Coalition recognises that garages conversions can provide a valuable source of extra space to support family annexes, and wherever possible, families should be able to adapt them to meet their changing needs. Generally, the conversion of garages to ancillary living space does not require planning

permission, but as part of this consultation, it is seeking advice on whether householder permitted development rights can be changes to make this easier.

Retail

Currently, for shops and financial / professional services establishments permitted development limits for rear extensions allows an increase of up to 50m², provided that this does not increase the gross floor space of the original building by more than 25%. The draft proposal is to raise this to 100m² and 50% respectively including the right to build up to the boundary of the premises, except where the boundary is with a residential property, when the requirement would be to leave a 2m gap along the boundary.

Other limitations and conditions would remain the same, and existing protections under other regimes will continue to apply e.g:

The height of the building as extended must not exceed 4m; or
The development must not consist of changes to a shop front, or extensions beyond a shop front.

Offices

At present, the current permitted development limits for rear extensions allows an extension of up to 50m², provided that this does not increase the gross floor space of the original building by more than 25%. The draft proposal is to raise this to 100m² and 50% respectively.

Other limitations and conditions would remain the same, and protections under other regimes will continue to apply e.g:

Buildings within 10m of the boundary must not be more than 5m high;
In other cases the extension cannot exceed the height of the existing building; and
New extensions must not be within 5m of the boundary.

Industrial

At present, new industrial buildings or warehouses which are up to 100m² in size can be built within the curtilage of an existing industrial building or warehouse, provided that this does not increase the gross floor space of the original building by more than 25%.

The draft proposal is that these limits should be raised to 200m² and 50% respectively.

The other current limitations and conditions would remain the same, and existing protections under other regimes will continue to apply e.g.

:

Buildings within 10m of the boundary must not be more than 5m high;
There must be no building within 5m of the boundary; and
There must be no reduction in the space available for parking or turning of vehicles.

Time limit

These proposed changes are proposed to be in place for a period of three years, starting from the date at which the secondary legislation implementing these changes comes into force. It is also proposed that developments will have to be completed by the end of the three-year period.

There will be a notification requirement and homeowners and businesses wishing to exercise their rights under these changes will be required to notify the local planning authority on completion of the development. Where this notification is not received by the end of the three-year period, the development will not count as permitted development, and could be subject to enforcement action.

Protected Areas

The proposed changes will not apply to protected areas or 'article 1(5) land' which are in essence National Parks, Areas of Outstanding Natural Beauty, conservation areas and World Heritage Sites. Similar protection will be retained for Sites of Special Scientific Interest (SSSIs). Where necessary, it will also not remove the requirement for separate listed building consent.

Telecommunications

At present, Part 24 of the General Permitted Development Order provides that fixed broadband apparatus such as cabinets, telegraph poles, and overhead lines have permitted development rights subject to a prior approval process on 'article 1(5) land'. This allows local planning authorities to consider the siting and appearance of communications apparatus before development commences.

The proposal is to remove this prior approval requirement as it applies to article 1(5) land for a period of five years provided that all works are completed by the end of that period although the prior approval requirement will continue to apply in respect of SSSIs.

Reason for Changes

The proposed changes, according to this technical consultation, will bring the following benefits:

The large majority of homeowner applications are uncontroversial and almost 90 percent are approved, in almost all cases at officer level. By cutting out this application process, it will reduce costs and delays.

Up to 40,000 families a year wishing to build straightforward home extensions will benefit and each family would save up to £2,500 in planning and professional fees.

Extending further permitted development rights will promote growth, allowing homeowners and businesses to meet their aspirations for improvement.

It will bring extra work for local construction companies and small traders.

The telecommunication changes will contribute towards the Government's ambition for the UK to have the best superfast broadband network in Europe by 2015.

Suggested Response

The most controversial change here, undoubtedly, is the proposed doubling in the length of a single storey rear extension that can be built rearwards from the back of the original wall of the house, without the need for planning permission. Planning applications currently determined by local authorities, carefully taking account of the views of neighbours and neighbourhoods, will be determined by Parliamentary Order without any consultation or negotiations. There is real concern that neighbourly relations are going to become strained where the previous opportunity to comment on a proposal in advance of its implementation would no longer be available.

There is a fee for planning applications, which has just increased to £172.00 for a rear extension on a house. This change would mean that the vast majority of single storey rear extensions would not require planning permission and therefore there would be a loss of income. This may be partly offset by an increase in certificate of lawful developments, but the income on these applications is half that of a planning application.

Reason for Decision:

Government ministers must be made far more aware of just how controversial this subject is and must be encouraged to revisit or abandon some of their proposed changes. It is therefore essential that the Council responds. Appended to this report, is a draft response for each of the questions raised in the consultation paper. The Panel is urged to agree, though the precise wording of the response is open to amendment.

Options considered and rejected:

Not to respond to the consultation.

Consultation undertaken:

The technical consultation has been advertised on the Council's website and all the local parish/town council's have been contacted and urged to respond direct to the DCLG, using the standard Response Form, by 24 December 2012.

Resource implications:

Budget provision: Existing resources

Personnel: Existing resources

Land: N/A

Community Plan/BVPP reference: N/A

Relevant statutory powers: Town and Country Planning (General Permitted Development) Order 1995 as amended

Background papers: DCLG – Extending Permitted Development Rights for Homeowners and Businesses technical consultation November 2012

Environmental/Human Rights Act/Crime and Disorder Act Implications: Extensions to be added to properties without the need for planning permission even where there will be excessive loss of light or outlook to a neighbour

Key Decision reference: (if required)



Department for
Communities and
Local Government

Response Form

Extending permitted development rights for homeowners and businesses: Technical consultation

We are seeking your views to the following questions on the proposals to increase the permitted development rights for homeowners, businesses and installers of broadband infrastructure.

How to respond:

The closing date for responses is 5pm, 24 December 2012.

This response form is saved separately on the DCLG website.

Responses should be sent to: PlanningImprovements@communities.gsi.gov.uk

Written responses may be sent to:

Helen Marks

Permitted Development Rights – Consultation

Department for Communities and Local Government

1/J3, Eland House

Bressenden Place

London SW1E 5DU

About you

i) Your details:

Name:	NIGEL RICHARDSON
Position:	ASSISTANT DIRECTOR (DEVELOPMENT)
Name of organisation (if applicable):	EPPING FOREST DISTRICT COUNCIL
Address:	CIVIC OFFICES, HIGH STREET, EPPING, ESSEX, CM16 4BZ
Email:	nrichardson@eppingforestdc.gov.uk
Telephone number:	01992 564110

ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

iii) Please tick the box which best describes you or your organisation:

District Council

Metropolitan district council

London borough council

Unitary authority

County council/county borough council

Parish/community council

Non-Departmental Public Body

Planner

Professional trade association

Land owner

Private developer/house builder

Developer association

Residents association

- Voluntary sector/charity
- Other

(please comment):	
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**iv) What is your main area of expertise or interest in this work?
(please tick one box)**

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	
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Would you be happy for us to contact you again in relation to this questionnaire?

Yes No

ii) Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Question 1: Do you agree that in non-protected areas the maximum depth for single-storey rear extensions should be increased to 8m for detached houses, and 6m for any other type of house?

Yes No

Comments

Most planning applications rarely propose rear extensions at 6 -8 metres deep. Where they have been submitted, they normally cause harm, mainly to the adjoining neighbours amenity, and are refused planning permission. Planning is suppose to be an impartial system that is fair to all and acts to safeguard against undue harm, in the interest of general amenity. Allowing deeper extensions to be built without the need for planning permission will result in loss of light and outlook to rooms of neighbours nearest rooms.

The benefits of extra work for local construction companies and small traders will be limited, because there are other factors that decide whether an extension goes ahead or not, such as the finance at the disposal of the homeowner to build it. The savings made by not paying the planning application fee and professional fees is a small percentage of the overall cost of building and furnishing an extension. This therefore does not outweigh the harm that extensions of this size will have on the amenities of adjacent residential neighbours or design.

On small plots, extensions of this depth could cover a large portion of the rear garden and therefore project up to halfway down the garden of both this and the neighbours, possibly more if it does not cover more than 50% curtilage of the house. Whoever's idea this was, there appears to be a pre-conceived view that houses sit on wide plots, when in many of the built up areas, this is not the case. For example, not all detached and detached houses sit in spacious plots. Also on narrow plots, the rear of say a terraced house could end up with a tunnel effect if both neighbours either side built out to 6 metres, leaving a poor oppressive outlook and inadequate light to serve the rear of their house and this part of the most used area of garden.

Without the need for planning permission, increasing the depth of extensions from 3 and 4 metres to 6 and 8 metres does not take into account that there should be greater clearance from the side boundaries of the site or indeed a further restriction on the height, particularly on sloping roofs, which are not planned to be changes as part of this proposal.

In design terms, the extension at these depths could be as deep as the house therefore appearing out of proportion. When viewed from upper windows, there is a danger that a sea of long flat roofs will be overdominate and harmful to the appearance of the neighborhood. The long flat roof is likely to be the most typical way of building this without planning permission and could be conflict with the aim to design out crime.

If anything, the doubling of the depth of the rear extension is going to result in a poor outcome for the amenity of the immediate neighbour. It will do little for localism, because the neighbour will not be able to object and will result in a deterioration of neighbour relations. Whilst paragraph 1 of the introduction states that currently 90% of homeowner extensions are approved, this is because most submissions are sensible depth extensions, knowing that deeper extensions in

the region proposed would not gain planning permission. To conclude, the changes will set neighbour against neighbour and result in increase harm by creating excessive loss of light and outlook to the most used part of their rear garden and closest windows, which currently would be refused planning permission and generally be dismissed on appeal.

Question 2: Are there any changes which should be made to householder permitted development rights to make it easier to convert garages for the use of family members?

Yes No

Comments

It is only in the case where a planning condition on a planning permission requiring a garage to be retained for this purpose, that a garage needs planning permission to be converted into a room for use by family members. Altering permitted development rights will not change this. As a Council, we very rarely use this condition anymore unless where on-street parking is very limited or restricted.

What is required is clearer permitted development advice on when an annexe is a separate dwelling or not.

Question 3: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to extend their premises by up to 100m², provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

This may encourage local parade and village shops to compete with the market and provide a supporting facility to the local catchment area. However, it could also displace off-street parking and deliveries into neighbouring roads, as well as limit where refuse can be kept on-site and result in refuse spilling out onto the local street for collection.

Question 4: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to build up to the boundary of the premises, except where the boundary is with a residential property, where a 2m gap should be left?

Yes No

Comments

There is a concern that 2 metres is not a large enough gap and therefore will not safeguard against harm to the neighbours residential ground floor amenity. However, if done in conjunction with restricting the roof eaves level to 3 metres, this would be supported. "Residential" needs to be clarified, i.e. does it just mean residential use on the ground floor only requires a 2 metre gap. What about residential uses on upper floors?

Question 5: Do you agree that in non-protected areas, offices should be able to extend their premises by up to 100m², provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

Offices can in some case be adjacent to an affected residential use resulting in loss of amenity. Parking, servicing, deliveries and refuse may be displaced resulting in on-street parking congestion and litter problems, particularly if the whole footprint of the site is able to be built over.

Question 6: Do you agree that in non-protected areas, new industrial buildings of up to 200m² should be permitted within the curtilage of existing industrial buildings and warehouses, provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

Such uses are very rare adjacent to residential uses. Generally though, these are large sites and surface parking and serving areas will remain. However, In Green Belt areas this could result in significant built development, harmful to openness. Where change of use of farm buildings to business or storage use has been allowed, to then allow new building could have an excessive impact on the area. To allow such expansion in unsustainable locations is contrary to national guidance and does not make sense.

Question 7: Do you agree these permitted development rights should be in place for a period of three years?

Yes No

Comments

This is difficult to understand how development for 3 years was to be accepted as permitted development, but not afterwards. The impact on neighbours amenity would be no different and likely to be harmful, but unfair if one neighbour can build a deep extension without needing planning permission compared with another for the same thing but require permission, due just because of its timing. This will only result in an impartial system and be difficult to enforce.

Question 8: Do you agree that there should be a requirement to complete the development by the end of the three-year period, and notify the local planning authority on completion?

Yes No

Comments

This implies that if an extension is not built in time, then it will be unlawful and be required to be removed. With this uncertainty, lenders will be cautious about loaning funds and whether extension work comes forward or not will depend more on cost than ease of building under permitted development rights.

If the temporary relaxations are to be implemented, there needs to be a formal way of recording which developments have been completed. Will we receive many completion notifications and how will the council's be able to monitor this? Enforcement resourcing is likely to become strained and increase cost of resourcing.

Question 9: Do you agree that article 1(5) land and Sites of Special Scientific Interest should be excluded from the changes to permitted development rights for homeowners, offices, shops, professional/financial services establishments and industrial premises?

Yes No

Comments

Yes, however, the character of a conservation area, for example, may not be affected by the depth of single storey rear extensions. Rear of shops, offices and commercial premises may have rear service roads where large flat roof extensions might visually impact on the street scene, so therefore the character in these cases may be unduly harmed.

Question 10: Do you agree that the prior approval requirement for the installation, alteration or replacement of any fixed electronic communications equipment should be removed in relation to article 1(5) land for a period of five years?

Yes No

Comments

Such equipment is visible in conservation areas and may detrimentally harm the character of that area. This therefore should remain for assessment as the present situation. Also, the 5 year relaxation is not understood.

Report to the Planning Services Scrutiny Standing Panel

SCRUTINY



Date of meeting: **11 December 2012**

Portfolio: **Planning and Economic Development**

Subject: **Extending the Range of Pre-planning Application Charging**

Responsible Officer: **Nigel Richardson (01992 564110).**

Democratic Services Officer: **Mark Jenkins (01992 56 4607)**

Recommendations/Decisions Required:

That subject to approval at Overview and Scrutiny Committee and at Cabinet:

(1) To expand the current pre-application charging to include advice on Minor type applications.

(2) That Members note the approach and fees taken by other Authorities.

(3) That Members agree the fees in principle as set out in paragraph 14 of this report

Executive Summary:

The purpose of this report is to recommend to Members that, as some 25 to 30 informal requests for planning advice are received each week, further charges be introduced by the Council to cover the cost of these services. Giving this kind of advice draws significantly on officers' time. Although it is not a statutory duty it is often seen as an integral part of the planning process for which a reasonable charge can be made.

A number of requests are often of a 'frivolous' nature in that there is no serious intention to proceed with a proposal, but it still takes officer time to respond. Experience elsewhere suggests these types of request will reduce in number once charges are introduced. The expansion of the current charging to include a range of pre application charges will help Development Control to sustain and improve its current levels of service as well as bring in additional income for this service.

Reasons for Proposed Decision:

Because of the legislative position, and because some other Authorities nearby are charging, it is right that Members should consider the facts and issues. There is a range of different schemes being operated. A scheme focused on minor and major developments is recommended since developers will be able to assimilate these costs into their overall costs most readily and it would not penalise householders unnecessarily nor dissuade them from seeking advice.

It is difficult to predict what such charges are likely to bring in a full year, but a modest income in the order of £40,000 is expected. There will be some internal costs associated with administering the scheme.

Other Options for Action:

To continue with the current scheme of pre application charges just for major type applications.

To introduce a more wide ranging scheme of pre application charges for all prospective applicants, i.e. to charge pre-application advice on householder extension.

To have all pre application advice as a service without specific charge.

Report:

1. The Local Government Act 2003 allows Local Authorities to charge customers for holding discussions prior to the submission of planning applications. This report seeks to consider briefly the issues, what similar authorities are doing and thus to enable Members to consider expanding the existing scheme that currently charges for pre-application advice on major category planning applications, introduced in 2007.

2. Originally all services offered in connection with the control of development in Planning were free to users. Planning fees were introduced in the 1980s for those making planning applications with the intention of them paying a contribution to the costs of providing the service. However, fee-generating applications make up only about half the overall costs of development control. Of course, the system acts in the public interest, not just in the interests of those submitting applications.

3. The application fees are compulsory and set nationally. For the first time in 4 years, they have just increased by 15% and few issues of nonpayment arise. This Council's fee income is estimated to be £550,000 in this financial year. However, coincidentally, the Government has just gone out to consultation on extending permitted development rights which among other suggestions, could allow single storey rear extensions on houses to extend out between 6 and 8 metres before requiring planning permission. As this accounts for a large portion of this Council's planning application, this could have a significant impact on income.

4. The charging for pre application discussions could produce a further income stream for the Council. Pre-application discussions have always been encouraged by this authority and, so long as charging does not reduce the take up of the offer to discuss a proposal before submitting an application, a charging scheme can have the benefit of dissuading some ill-conceived proposals, highlighting the cost of officer time in the process and recouping some of this cost.

Other Authority Schemes

5. In preparing this report attention has been given to what is being done by other Essex authorities and neighbouring London boroughs.

6. The charges by Essex Authorities are attached as appendix 1 to this report. As you can see, most are now charging across most development types.

7. Of the adjacent London boroughs, Redbridge charges the same and Havering similar, with Waltham Forest just less on major application type. The figures roughly half for less number of units.

8. Plainly there is plenty of variety in the charging regimes that others have adopted.

The Current Scheme

9. We currently have a scheme of charging on major planning applications and use the DCLG definition of major as being proposals for 10 houses or more, or a residential scheme on a site of 0.5 hectares or more, or 1,000 sqm of commercial floorspace or a commercial scheme on a site of 1 hectare or more. A flat charge of £1,500 is charged. A copy of the current charging schedule on the Council's website is attached. As you can see, this is higher than many of the other Essex authorities, but so far for 2012-13, the income we have received on pre-application advice on major applications is at £19,500. Admittedly, this is higher than previous years and the proposed expansion to include other categories would only a contribution to the full costs and so follows the spirit of the existing charging regime but is considered to be proportionate to the fee that has to be submitted ultimately to accompany the application.

Revising the Scheme

10. Consultation with agents who regularly submit applications both in this district and elsewhere have previously emphasised that charging for smaller schemes, particularly for householder applications, gives rise to considerable ill-feeling and a significant disinclination to seek pre-application advice at all. Hence, the previous decision that it applied to major schemes only. However, despite officer's initial reservations, charging pre-application advice on major applications has worked reasonably well over the last 5 years, bringing in a total so far of about £60,000. The Council has a duty officer system whereby advice is provided at the planning reception area. Officers also reply to written requests for advice and take numerous telephone calls on development proposals. This does not take priority over more pressing needs of dealing with planning applications and appeals, unless it is paid pre-application.

11. Development Control therefore encourages and welcomes the opportunity to provide advice before an application is made. There are also benefits with expanding the charging:-

- it gives the prospective applicants an opportunity to understand how our planning policies will be applied to a development;
- it can identify at an early stage where there is a need for specialist input, for example about listed buildings, trees, landscape, noise, highway issues, contaminated land, ecology or archaeology;
- it will assist the applicants in preparing proposals for formal submission which, providing the officers' advice has been taken fully into account, can be handled more quickly;
- it may lead to a reduction in time spent by the applicants' professional advisors in working up proposals;
- it may indicate that a proposal is completely unacceptable, saving the applicants the cost of pursuing a formal application.

12. The details of the scheme will need to address:

- a) any unwarranted raising of expectations that officer advice, especially when paid for, commits the Council to an ultimate decision;
- b) any discouragement from entering pre-application discussions;
- c) that it is the Council who determines who best to deal with an enquiry rather than a developer insisting on meeting a senior officer;
- d) that a considerable amount of advice is already available free-of-charge through the Council's website;
- e) that not all advice needs to include a meeting – a written report on a preliminary scheme will be produced in any event; and
- f) the arrangements for the payment of the fees themselves, which must not put additional responsibilities onto professional case workers.

Proposed Revised Charges

13. Not all inquiries would attract a fee as, for example, simple householder requests could be answered without undue demand on officer time. It is also suggested that free advice will continue to be provided only for advice prior to an application for:-

- alterations or extensions to single dwellings and other householder applications;
- works to a Listed Building or works of demolition within a Conservation Area;
- works to Trees covered by Tree Preservation Orders or located in Conservation Areas;
- advice to establish whether planning permission is required, although any formal response currently given is required through the submission of an application for a proposed certificate of lawful development;
- advice to Parish Councils, community groups and other local authorities.

14. Telephone and some written advice would continue to be provided free of charge but in addition to the £1500.00 plus VAT charged on a Major type application, for the remainder (and taking into account the other local authority planning charges set out in appendix 1) a simple charging system is suggested as follows.

Minor* Developments (creation of 2-9 new residential units, creation of commercial development or changes of use between 100-999 square metres) = £700.00

Minor* Developments (creation of 1 new or replacement residential unit, creation of commercial development or changes of use up to 100 square metres) = £350.00

(*These definitions are based on the Department for Communities and Local Government's classification of types of development.)

Officers would decide whether a meeting is necessary as in some cases their knowledge of the site, background history or the nature of the proposal will avoid the need for a meeting. If further meetings are sought then a further fee will be levied at the above rates. These fees will cover administration costs and officers' time for research, assessment, a meeting as necessary and a written response.

Resource Implications:

Additional income in the region of £40,000 a year.

Legal and Governance Implications:

The Local Government Act 2003

Safer, Cleaner and Greener Implications:

None

Consultation Undertaken:

Essex Development Management Forum

Background Papers:

None

Impact Assessments:

Risk Management

The Council reputation in terms of good decision making and availability for pre-application discussions.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
Not applicable

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
Not applicable

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	Number of residential units					Listed building	Householder development (extensions etc requiring planning permission)
	(extra or replacement dwelling) 1	2 to 9	10 to 49	50 to 99	100+		
Basildon	£300	£300	£1,200	£1,500	£1,800	£0	£0
Braintree	£137	£258	£400	£400	£400	£158	£137
Brentwood	£300	£300	£750	£750	£750	£0	£0
Castle Point	£0	£0	£0	£0	£0	£0	£0
Chelmsford	£240	£360	£720	£720	£720	£0	£0
Colchester	£180	£180	£1,200	£1,500	£1,800	£120	£120
Epping Forest	£0	£0	£1,500	£1,500	£1,500	£0	£0
Harlow	£0	£0	£0	£0	£0	£0	£0
Maldon	£300	£360	£720	£720	£1,200	£360	£120
Rochford	£300	£420	£840	£840	£1,200	£240	£0
Southend-on-Sea	£480	£480	£960	£960	£1,200	£480	£480
Tendring	£0	£0	£0	£0	£0	£0	£0
Thurrock	£360	£360	£720	£720	£720	£0	£0
Uttlesford	£298	£298	£593	£593	£293	£270	£0
LB Redbridge	£350	£700	£1,500	£3,000	£3,000	£0	£0
LB Havering	£22	£725	£1,450	£1,450	£1,450	£0	£22
LB Waltham Forest	£321	£642	£1,285	£2,571	£0	£0	£0

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Planning Services

Pre Application Advice Charges 2012/13

Epping Forest District Council

Why seek pre-application advice?

It can be very helpful to seek our advice about your planning proposals before submitting your actual application. This might involve meeting with us or just sending us your proposals for us to comment. This can help to overcome potential difficulties and to make sure your application deals with all the important planning considerations.

You may also find it helpful to obtain advice from an independent planning specialist when drawing up your scheme. People who regularly prepare planning applications have the experience and expertise that can help make sure your scheme has the best chance of being granted consent. Spending time and effort in preparing your scheme is more likely to result in a good quality and acceptable development and also help us process your application quickly.

For small developments, we can usually offer pre-application advice free of charge. However, because of the time and resources involved, **we will be introducing a charge for providing advice on major developments from 1 October 2007.**

Major development schemes

A major development is defined as:

- **any scheme on any site of over 1 hectare,**
- **a residential scheme on any site over 0.5 hectares,**
- **a residential scheme providing more than 10 dwelling units, or**
- **a commercial scheme of over 1000 square metres floorspace.**

The charge for providing pre-application advice will be £1500 plus VAT.

Your payment must be made in advance by cheque, electronic funds or banker's draft and made payable to Epping Forest District Council. We will need to be satisfied that your cheque has cleared before we can meet you or provide a written response.

How the scheme works

We will decide which officers from Planning or other Council services, or from outside organisations need to deal with your enquiries or meet with you. You can ask to meet with certain officers but the ultimate decision will be ours. Meetings will usually be held at the Civic Offices in Epping unless there are good reasons to meet elsewhere.

You will need to provide us with enough information about the site and your scheme to be clear about what you propose and to help us decide who else should be consulted. This will normally include:

- a) description and summary of the proposals
- b) a site location plan
- c) photographs and drawings of the site and the proposals and
- d) your contact details and whether you request a meeting.

If an actual meeting is needed, you will need to send us this information far enough in advance for us to be able to reach a preliminary view before we meet you and we will arrange the meeting as soon as possible after receipt.

The issues we will consider include:

- The planning history of the site.
- If there are any constraints on the site. For example, is the building listed; is the development site in a conservation area; is there a flood risk; are there any national or local designations etc.
- Government advice.
- Relevant Development Plan policies.
- The design, including sustainable construction and energy issues.
- Amenity impact.
- Possible obligations on you as the developer. For example, the provision of infrastructure, affordable housing or contributions to service provision.
- Necessary practical measures. For example, dealing with possible contamination.
- Process or timetable issues.

We will provide a written summary of our advice usually within 10 days of meeting with you.

If further investigation or meetings are required then additional fees are likely to be invoiced at the rate of £80 per hour. At the service's discretion minor follow up queries may not be subject to further charge.

Our advice will be provided in good faith but it will not be any guarantee that your application will result in a particular decision and will not be binding on the Council in any way. It will only be applicable so long as there is no change in policy or other circumstances relevant to the case.

Our opinion might have to change during the formal application process once the views of neighbours, Local Councils and District Councillors have been obtained. The final decision may also be made by the relevant Council Committee, rather than by officers, and it is always possible that the Committee Members may reach a different view.

Whether or not you decide to take pre-application advice does not affect your right to submit a planning application nor to appeal should consent be refused.

To request pre-application advice, please contact a relevant professional officer or the Customer Contact Team on 01992 564584

Other planning advice available

We now provide much more information and documents on line at www.eppingforestdc.gov.uk . This information is available free of charge and at virtually all hours. Examples include:

- Our Local Plan with all planning policies.
- Advice when planning permission is needed.
- Information about the planning history of sites.
- Real time up dates on the progress of current applications.

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Report to Planning Scrutiny Panel

Date of meeting: 11th December 2012

Subject: Preliminary Report Work Programme 2013 - 2014

**Officer contact for further information: Peter Millward
(01992 56 4338)**

Committee Secretary: Mark Jenkins (01992 56 4607)

SCRUTINY



Recommendations/Decisions Required:

To consider and note as part of the Work Programme the following;

- (1). **Draft Business Review - Section 3b, Business Plan 2013 - 2014.**
- (2). **Proposed Business and Environmental Review - Appendix One Business Plan 2013 - 2014.**
- (3). **Outline Section 3(d) Electronic Records Document Management System Business Plan 2013-14 and the Electronic Records Management Progress Plan Appendix Two Business Plan 2013 - 2014.**
- (4). **Draft Directorate Value for Money Statement - Section 4 (c) Business Plan 2013 - 2014.**

Summary:

- 1 The attached details are provided as an overview of the Work Programme as agreed by Planning Scrutiny Panel on 12th June 2012.
- 2 Attached for consideration are five documents in total that will form elements of the Business Plan 2013 – 2014. These are draft outline sections 3 (b) Business Review, 3(d) Electronic Records Document Management System along with section 4 (c) Value for Money Statement. It is proposed that these be considered in conjunction with the proposed Business and Environmental Review Analysis – Appendix One and the proposed Electronic Records Progress Plan Appendix Two.
- 3 The financial figures stated are in draft format and may well be subject to change before insertion within the Business Plan 2013 – 2014.

Report:

- 4 This report indicates as part of **item (1)** an outline of Section 3 (b) of the Business Plan 2013 – 2014, the proposed financial review and is an estimated financial summary in draft format for Planning and Economic Development.
- 5 The proposed Business and Environment matrix (Appendix One of the Business Plan 2013 – 2014) in **item (2)** contains a summary of strengths/opportunities, weaknesses/threats and strategic choices that forms a template of options against the Corporate Medium Term Aims for 2013 -2014.
- 6 An outline summary of the key areas and actions for improvement in **item (3)** is provided in both in the Business Plan insert Draft 3 (d) and the proposed Appendix Two - Electronic Records Management Progress Plan of the Business Plan 2012 - 2014
- 7 The Directorate Value for Money Statement as indicated in **item (4)** above is provided as

part of the Corporate Objectives, Section 4 (c) of the Business Plan 2013 – 2014.

- 8 Due to the dates of the meetings of Planning Scrutiny Panel, a draft version of the Business Plan will not be able to be presented until after publication of the Directorate Business Plan at the next scheduled meeting on 16th April 2013.
- 9 Further information will be provided for the Planning Scrutiny Panel Work Programme as required.

Reason for recommendation/decision:

- 10 This forms the key elements of the Work Programme to Planning Scrutiny Panel for 11th December 2012.

SECTION THREE: DIRECTORATE SUMMARY SECTION 3 (B) BUSINESS REVIEW

3 (b) Business Review (This is a draft Business Plan insert subject to change)

Business and Environmental Analysis

A Business and Environmental Analysis has been carried out which identifies and recommends three key strategic options for Planning and Economic Development

- There is a need to continue to promote long term efficiency planning to enable the provision of greater levels of service for the same or less. This will require active and measureable annual implementation of faster business processes that provide improved services utilising proactive team/partnership working to carry out this using less resources.
- While there is a business need to implement some unpopular savings, the directorate should base this on business principles. For example there is a need to manage and/or limit the decline in customer efficiency by innovatively improving services to compensate for this. We could do this by reducing paper based planning and implementing better quality electronic services via i-Plan.
- Implement some savings in conjunction with the active adoption of the Local Plan and other business measures to safeguard the interests of the people and the district. At the same time we should aim to deliver improved and more efficient ways of providing accessible high quality planning services. We could do this by promoting strong community leadership that supports measures to protect the green and unique character of the district.

Financial Review

(Figures provided are in draft format and subject to confirmation)

Planning and Economic Development financial activities are primarily divided into four areas;

- Direct Services
- Regulatory Non Fee Earning (Planning Appeals, Enforcement and Building Control)
- Regulated Fee Earning (Development Control)
- Regulated Full Recovery of Fee Earning work (Building Control).

Expenditure is estimated for **2013 – 2014 to be £3. 002** million met as follows;

CSB Budget	£ 2 749 000
CSB Savings	£ (57 000)
DDF Budget	£ 310 000
TOTAL NET BUDGET	£ 3 002 000

DIRECT SERVICES

The forecast costs for Direct Services are likely to reach £1 730 000 for 2013 - 2014 as compared with 2012 - 2013 Original Estimate £2 072 000 and Provisional Outturn of £2 203 000

Direct Services primarily consists of the sections within Policy and Conservation including;

- Forward Planning
- Economic Development
- Environmental Coordination
- Conservation Policy
- Town Centre Enhancements
- Countrycare

REGULATORY SERVICES NON FEE EARNING

It is expected that the costs for Non Fee Earning activities within Development Control are estimated to be £693 000 for 2013 – 2014 which represents a decrease as compared with 2007 – 2008 of £820 000.

Development Control Appeals

The forecast cost of Appeals increased from £237 000 in 2007/08 (132 Appeals) to £421 000 in 2008/09 (153 Appeals). The forecast figure for 2013 – 2014 is £218 000 (110 estimated).

Enforcement

The following table illustrates how the annual costs of Enforcement have dropped in recent years combined with a significant increase in Enforcement Notices served.

	2007 - 08	2013 - 14 (estimated)
Complaints received	757	680
Enforcement Notices Served	23	35
Costs	£583 000	£475 000

Building Control Non Fee Earning

Building Control Non Fee earning activity costs are expected to reach £166 000 for 2013 - 2014 This expenditure has been managed to ensure that this compares with £164 000 for 2007 - 08.

REGULATORY SERVICES FEE EARNING

This comprises of the following estimated Expenditure and Income for 2011/12 and 2012/13

FINANCIAL YEAR	EXPENDITURE	INCOME	NET
Development Control			
2013 – 2014 (Estimated)	£1008 000	£595 000	£413 000
2012 – 2013 (Probable)	£997 000	£550 000	£447 000
Building Control			
2013 – 2014 (Estimated)	£502 840	£425 000	(£77 840) Loss – Ring fenced
2012 - 13(Probable Outturn)	£458 360	£500,000	(£33 360) Loss – Ring fenced

Building Control (full fee earning recovery)

With the promulgation of the Building (Local Authority Charges) Regulations 2010 and with the support of the Local Authority Building Control Organisation (LABC), Building Control has successfully implemented a new scheme of charges from the 1st October 2010. This has resulted in significant steps towards the full cost recovery by Building Control services of fee earning income.

LABC is a member organisation representing local authority building control in England and in conjunction with LABC, Building Control promotes the design and construction of safe, accessible, environmentally efficient buildings that comply with the Building Regulations. Building Control continues to search for new income sources and manages to focus on controlling costs. This is part of its overall strategy of improving income streams through a variety of partnership working activities with local architects along with the provision of competitive internal and external professional surveying services.

Building Control prioritises its financial management of fee earning activities by maintaining its good record in ensuring that its fee earning activities matches or slightly exceeds expenditure. However due to the current economic downturn a small loss is predicted of £33 360 based on the probable outturn for 2012 – 2013 with a further loss of £77 840 estimated for the 2013 – 2014 year. However this needs to be balanced against the rolling three year surplus within the Building Control ring fenced account of £94 714.

Development Control (regulated fee earning recovery)

Planning Fees for Development Control Planning Applications have in the past been nationally regulated and do not currently aim to achieve full cost recovery of fees. Development Control has been working with Planning Advisory Services since 2010/11 to set up a Benchmarking exercise aimed at establishing and benchmarking the true cost of Planning processes.

Recent results from the Benchmarking exercise carried out in conjunction with PAS (Planning Advisory Services) and CIPFA in December 2011 were helpful in establishing the cost of the planning application process. Current indications are that we are collecting approximately 50% towards the true costs of the planning process and with a recent 15% increase, (the last increase being in 2008) there is an ongoing requirement to take significant steps towards providing improved and more efficient planning services.

As a result significant progress is currently taking place towards improvements in the Electronic Records Document Management as a key component in achieving efficiency savings and value for money as outlined in Appendix Two of this Business Plan.

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APPENDICES

APPENDIX ONE - BUSINESS AND ENVIRONMENTAL REVIEW ANALYSIS BUSINESS PLAN 2013 - 2014

		HAVE THE LOWEST DISTRICT COUNCIL TAX IN ESSEX	BE RECOGNISED AS AN INNOVATIVE AND TOP PERFORMING COUNCIL IN ESSEX;	CONTINUOUSLY IMPROVE EFFICIENCY ADOPT NEW WAYS OF WORKING TO MAXIMISE REVENUE.	PROVIDE STRONG LOCAL COMMUNITY LEADERSHIP TO PROMOTE THE SPECIAL CHARACTER & PEOPLE OF THE DISTRICT
STRENGTHS & OPPORTUNITIES	<p>SAFEGUARD FRONTLINE SERVICES</p> <p>The Directorate has a highly experienced and well qualified core workforce that is able to provide a quality service to meet the long term aims and aspirations of the community. In addition they are well placed to be able to actively promote and manage increased turnover for both Building Control and Development Control. All staff understand and support the need to implement more efficient Business Processes that will in the long term enable a 'more for less' strategy which is a key element in safeguarding frontline services and reducing the burden on council tax. Building Control face increased competition from approved inspectors and need to remain flexible to compete for additional income streams.</p>	<p>The Directorate is well placed to provide effective, user friendly and high performing planning and building control services.</p> <p>Significant progress been made with i-Plan that is User/Carbon friendly combined with opportunities to further enhance ICT development</p>	<p>The Directorate is well regarded in terms of promoting green and sustainable policies for Conservation, Trees, Countryside and protecting the environment. In the last year, significant progress has been made on the preparation of the Local Plan. The level of response to the Issues & Options consultation between July and October 2012 is encouraging with further progress expected in 2013 -14. Measurable progress to implement new/better ways of working within BC and DC are key components in supporting the council aims of preserving the unique and green character of the District.</p>		
WEAKNESSES & THREATS Page 45	<p>Some elements of Change Management may in the short term lead to the perception that Planning and Building Control is providing less than efficient technical and customer services. The inability of the Directorate to locally set its planning fees based on benchmarked cost viability means in effect that currently our Development Control Planning processes recover only 50% of actual costs with the remainder being borne by local council taxpayers. Lack of commercial flexibility and ICT development are key threats that may limit opportunities for improvement both within DC & BC.</p>	<p>Spending reductions may inhibit the ability of the Directorate to contribute towards innovative ways to improve service delivery. Short term savings may lead to a decline in the quantity and quality of electronic planning records held on i-Plan. Other short term cost reductions may also result in a negative "domino" effect leading to increased paper usage and "invisible" staffing requirements.</p>	<p>Reductions and limitations in staffing recruitment may have an adverse effect in formulating effective strategies to protect the special character of the district. Reductions in sustainability and economic initiatives' could well be the subject of future savings with a detrimental "knock on" effect on the special character and economic development of the district.</p>		
STRATEGIC CHOICES	<p>(a). Substantially reduce frontline services to minimise impact on council tax (ie implement major savings). (b). Promote increased charges to meet full cost recovery. This is subject to external control and is not an option at this time. (c). Recommended option - Promote long term efficiency planning that enables the provision of a greater level of service for the same or less. This will require active and measureable annual implementation of faster business processes that provide improved services utilising proactive team/partnership working to carry out this using less resources.</p>	<p>(a). Maximise savings by making large cuts in spending to achieve significant savings but reducing service efficiency and effectiveness. (b). Limit spending to achieve greater savings and actively manage the reduction in service effectiveness and decline in service improvement. (c). Recommended option Implement some unpopular savings based on business principles. Manage/limit the decline in customer efficiency by innovatively improving services to compensate for this (for example reducing paper based planning and implement better quality electronic services via iPlan)</p>	<p>(a). Make major cuts in the provision of green sustainability which may adversely affect the unique character and services for the District. (b). Limit cuts in spending to protect the interests of the people and District but recognise that some services may decline or be given less priority. (c). Recommended option Implement some savings in conjunction with the active adoption of the Local Plan and other business measures to safeguard the interests of the people and the district. At the same time we should aim to deliver improved and more efficient ways of providing accessible high quality planning services. We could do this by promoting strong community leadership that supports measures to protect the green and unique character of the district.</p>		

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3 (d) **Electronic Records Document Management System**

Given the rural nature of Epping Forest District Council, the placement of electronic planning information online mainly via i-Plan has potentially saved a considerable amount of long journeys to Epping Civic Offices. These records were previously only available during office hours at Epping Forest Council Offices. A significant and large amount of Planning records are now electronically available online on a 24 hour basis, retrievable by members of the public from our website at any location that has access to a PC and the Internet.

Planning applications that have been placed on our website are available for the public to view on i-Plan, Epping Forest District Council's interactive planning website.

http://www.eppingforestdc.gov.uk/Council_Services/planning/iPlan.asp

For example some of the most frequently asked requests are about planning and building control applications are readily available by clicking a variety of links such as;

Search Planning Application Records:

<http://plan1.eppingforestdc.gov.uk/Northgate/PlanningExplorer/GeneralSearch.aspx>

The main page for Epping Forest District Council Website:

<http://www.eppingforestdc.gov.uk/>

contains the following links on its main page;

Planning Permission:

<http://www.eppingforestdc.gov.uk/index.php/residents/your-environment/planning-development-control/how-to-apply-for-planning-permission>

Building Regulations approval:

<http://www.eppingforestdc.gov.uk/index.php/residents/your-home/building-control>

The Directorate of Planning and Economic Development follows the template of action outlined in Appendix Two – Electronic Records Management Progress Plan as part of the process of moving away from paper based manual office systems to Electronic Record and Document Management Systems (ERDMS). The Implementing Electronic Government (IEG) policy is part of the core requirement of Governments drive to modernise local authorities and the services that they provide. Local Authorities are required as an essential part of e-government aims to implement this through the use of modern business practises and electronic record keeping.

The key area's that support the delivery of numerous benefits derived from making available information online are I-plan and electronic records delivered by our Corporate Website <http://www.eppingforestdc.gov.uk/>. While a number of technical and resource difficulties have been encountered, significant progress has been made in facilitating easier remote access to planning information across Epping Forest District. For example in mid 2011, due to a decline in visitor numbers, we were able to reduce the opening hours of our reception to mornings only. This enabled us to re- allocate resources to further enhance 'back office' i-Plan and support for electronic records. As a result we have been able to make significant savings gained from increased speed of work, reductions in the costs of printing, post and use of resources. However it is acknowledged that there is still much work to do in implementing further steps towards paperless planning. Our biggest challenge at this time is to provide the foundations where at a future date and time we will be able to seamlessly move into providing a full range of paperless Planning, Policy, Development and Building Control operations.

In 2012 – 2013 we carried out a 'health check' exercise to ensure that we are able to make better use of our primary planning and building control database – Northgate M3. Part of this has also involved developing and improving our Crystal Report performance reporting capacity. This has provided important key performance management information as well as supporting initiatives to implement improved faster business processes using fewer resources.

In addition in the year under review we have been able to carry out an audit of our Development Control historical planning microfiche records and are in the process of arranging with an external contractor to convert approximately 750 000 microfilmed historical planning images into PDF format. We have also commenced the scanning of all incoming Building Control information and are combining this with the implementation of a facility for Building Control applications to be accepted electronically via the 'submit-a-plan' system. Due to the large amount of paper Building Control files we commenced a project with Northgate Documents Online Bureau Services to 'back scan' 3000 paper Building Control files. It is our aim to progressively carry this out each year subject to the availability of resources both to aid the electronic availability of Building Control files and reduce the space required for the archiving and storage of Building Control paper files.

DRAFT APPENDIX TWO - ELECTRONIC RECORDS MANAGEMENT PROGRESS PLAN 2013 – 14

PHASE	ACTION FOR IMPROVEMENT	SERVICE AREA	BENEFITS	LIMITATIONS	STATUS & TIMESCALE
1	Improvements in the Gazetteer & Local Land and Property Gazetteer (LLPG) addressing capability. EFDC currently Below National Standards. LLPG Improvement Plan in place. Contractual requirement is to be 'Above National Standard' as per the DCA (Data Co-operation Agreement).	ALL COUNCIL TEAMS	Improved accurate address capability for all council and public services within the district. Specific National need in terms of emergency services. LLPG accuracy is an essential part of GIS Mapping provision.	Lack of succession plan and integration with GIS/Street naming & numbering	LLPG Improvement Plan in place target date 31 st March 2013. Limited staff resources 1 x 18 hour p/w Gazetteer Officer. Structural staffing changes are ongoing.
2	Engage a full time permanent Directorate ICT Systems Support Officer to co-ordinate and manage systems and electronic records document management (ERDMS) for Northgate MVM M3, Information@work, Northgate Gazetteer and Microsoft Applications.	SCANNING AND RECORDS PST/ALL	To manage/co-ordinate the use of complex DC/BC database MVM M3 and document imaging software. Required to take ERDMS and i-Plan to a higher level in terms of quality, resilience and website development	PED will need to reconfigure and utilise existing staffing resources to implement this.	PED ICT trainee post terminates in May 2013.
3	Install three PC's with dual screen monitors 1 x Contaminated Land Officer, 1 x Building Control and 1 x Forward Planning Team to promote paperless working.	ALL sections within PED	Will enhance the quality of electronic records usage and remove barriers to future 'paperless' working.	Resistance to change means that the value of this may be questioned.	Awaiting installation of equipment by ICT in late 2012
4	Install Crystal Reports 12 on two separate 'fat client' PC's to support measures to improve and to develop and improve accessible reporting of performance/data for electronic information.	ALL PLANNING TEAMS	Accessible performance/data reports will help officers to save time & resources. Officers are already familiar with Crystal Reporting.	Enhanced software will require staff resources & training to implement.	Awaiting ICT installation of Crystal Reports upgrade to vers 12 by late 2012
Page 49	Enable scanning of Microfiche records over two-three years due to high costs involved. These records are rapidly deteriorating due to age, frequent handling and exposure to light.	DC/BC	Important historical Planning records that are deteriorating. Corrective action required to convert to electronic format & avoid loss.	Large amount of microfilmed information that will require significant resources.	Is able to be carried out over a three to four year period as part of PED CSB Scanning budget 2012 - 2017
	Project to 'backscan' paper copies of Building Control Paper Records.	BUILDING CONTROL	Essential foundation measure to provide flexible mobile working. Aid BC business continuity as there are no back ups to existing paper files.	Large amount of paper files requiring multiple financial year projects.	3000 files 'backscanned' in late 2012. Further paper files to be scanned 2013/14
7	Implement facility to accept payments online by card for both DC and BC. Facilitate other improvements in management of DC/BC applications such as audit compliant management of DC/BC income.	BC & DC	BC and DC require this to take place as early as possible as part of its modernisation programme.	Subject to co-ordination by ICT.	Ongoing 2012/13 and 2013/14
8	Back scan Large Site Files, Conservation Files, Contaminated Land and remaining Policy & Cons Files.	DC TEAM & POLICY AND CONS.	High level of interest in these records by members of the public/professionals within the District. Will reduce number of Freedom of Information requests	Resource Budget limitations	Postponed to 2013 – 14 subject to resources allocation
9	Support measures to Corporate Website design and access that will enable visible improvements to both i-Plan and other Planning/Building Control electronic records. For example a replacement for PinPoint Mapping is being developed by GIS colleagues in Enviromental Services and Street Scene.	EFDC WEBSITE DEV. BOARD & PED	Improved access by members of the public to all aspects of Planning and Building Control Information/Records	Subject to wider Council resource limitations & priorities	PED Website rep. promoting planning improvements. Ongoing 2012 - 2014

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SECTION FOUR: CORPORATE OBJECTIVES AND PRIORITIES

4 (c) Value for Money

The Planning and Economic Development Directorate recognises the importance of Value for Money and is currently utilising a number of different measures to achieve Value for Money such as Benchmarking and achieving sustainability by matching income to expenditure for fee earning activities. Current and previous benchmarking activities with CIPFA and Planning Advisory Services (PAS) have helped to better establish the true costs of planning services. In addition this has assisted in the implementation of improved business processes to provide greater value for money regarding Development Control Planning Services, although this has been limited to some extent by recent small fee increase of 15%, the first since 2008. Building Control has been more successful in achieving value for money by matching income to expenditure for fee earning services in line with LABC (Local Authority Building Control) guidelines.

DEVELOPMENT CONTROL:

The preliminary results from the Benchmarking Comparator Source/Group were carried out on advice from Planning Advisory Services (PAS) and CIPFA from 27th June to 22nd July 2011 included current data and time recording carried out by all staff within Planning and Economic Development (excluding Building Control and Economic Development). We selected sixteen geographical and/or 'like for like' authorities to compare costs and processes with;

- | | |
|------------------------------------|--|
| 1. Braintree District Council | 9. Mid Sussex District Council |
| 2. Chelmsford Borough Council | 10. Reigate & Banstead Borough Council |
| 3. Cheltenham Borough Council | 11. South Oxfordshire District Council |
| 4. East Hampshire District Council | 12. Spelthorne Borough Council |
| 5. Guildford Borough Council | 13. Tandridge District Council |
| 6. Harlow District Council | 14. Tendring District Council |
| 7. Hertsmere Borough Council | 15. Uttlesford District Council |
| 8. Horsham District Council | 16. Waverley Borough Council |

Several benchmarking exercises were carried out and moderated by CIPFA in 2010 and 2011. As a result in 2011 Development Control introduced and analysed the time taken to process planning applications as part of nine step analysis to ensure that planning applications were uniformly processed. In terms of planning application costs, seven councils in the above list has indicated their Planning Application costs were higher than EFDC. The total estimated applications for 2012–13 of 2562 showed that we are in the middle of the comparison group and ranked as the eighth highest. Whilst our hourly costs were considered to be the third highest in the group of £48.08 per hour, our direct staff costs were only marginally higher than the average for the group at £19.20 (average £18.10). Our overhead costs were £27.60 (average £23.70).

Costs Per Application

In terms of Receipt and Validation of Planning Applications our average cost of £69 per Application was significantly lower than the average of £91. However our Evaluation and Negotiation costs, of £212 showed these were identical to the average of £212 per Application. Our Reports and Decisions showed slightly better performance at £147 as compared with the average for the group of £161. Conversely the cost of Planning Appeals showed a slightly higher figure of £2390 compared to the average for the group of £1847. This has served for us to re-evaluate both the costs of Appeals and Enforcement and our yearly costs for these two areas have declined significantly year on year (see section 3 (b)).

Part of the process of benchmarking and 'value for money' process has been to establish the cost of processing planning applications as we have shown. A key element in the Benchmarking exercise in conjunction with PAS and CIPFA, established the costs of processing Development Control applications. As a result we have been able to determine that the full cost of Development Control fee earning Planning applications previously

constituted 50% of what is recovered in terms of fees for the processing of these applications. However this is a general situation across many local planning authorities.

The results obtained have indicated there has been some improvement in the management of officer time on applications. This has resulted in better outcomes for key planning performance indicators as reported in Section 3 (a) of this Business Plan.

Given that we are now in the process of increasing Planning Fees by 15% towards the end of 2012 for the first time since 2008, it is essential that we proactively improve our business processes to enable us to achieve further efficiency savings so that we are able to do more with few resources that we have.

POLICY, CONSERVATION AND ECONOMIC DEVELOPMENT.

In order to achieve value for money, Policy, Conservation and Economic Development ensures that they follow EFDC's adopted procurement policies which are reviewed and benchmarked to industry standards.

In terms of Economic Development there is an emphasis on exploring joint working with Epping's Local Strategic Partnership and with other neighbouring authorities, to achieve increased Value for Money through economies of scale and optimising outcomes and achievements. This is a particular emphasis of the work being carried out via the West Essex Alliance (sub LEP), the London Anglia Growth Partnership and the West Essex Economic Development group.

In addition Policy and Conservation seeks to minimise future costs by ensuring that the Forward Plan Evidence Base Update fully supports the emerging Local Plan (Appendix Thirteen of this Business Plan). A key element of this is the verification process of the documented Evidence Base Update which in turn lessens the possibility of future failure of elements of the Local Plan. This in turn plays an important role in successful Development Control Planning governance as it reduces the probability of successful planning appeals. This is reflected in the council's key corporate indicators, as the development of the Local Plan is now considered the main corporate priority (KCO 1).

BUILDING CONTROL

Building Control continue to work in the competitive building surveying market, actively taking steps to increase income such as taking steps to work in partnership with local architects and investigating other ways of increasing income streams so as to match expenditure with income. Building Control constantly reviews how services are provided by ensuring that key LABC (Local Authority Building Control) performance indicators are met and exceeded. Current indications show that Building Control while being able to match income with expenditure for the last three years is finding this increasingly difficult in a highly competitive market. However it is considered likely that expenditure in the current financial year will be matched against income.

Outlook

The outlook for Development Control is slightly more difficult than previously predicted as it is likely the local setting of planning fees will not take place. In its place has been an overall increase of 15% in planning fees across the board for the first time since 2008, effective from November 2012. In addition active steps are already in place to identify other income generating activities such as the promotion of pre-application advice and cost reduction measures. It is recognised that further steps need to be taken to refine and scrutinise planning processes so to reduce the time taken by planning officers in processing planning applications.

Building Control has a very good record of matching income to expenditure and continues to ensure that Value for Money is achieved by prioritising the matching of income against expenditure. As a result Building Control are continually looking at ways to increase income streams and sourcing additional income by working with partners along with competing for both internal (EFDC) and external professional surveying services.

Policy, Conservation and Economic Development also provide a key corporate value for money role by taking steps to ensure that the emerging Local Plan is successfully implemented including careful verification processes. In this way Policy, Conservation and Economic Development is able to fully meet key corporate objectives (KCO1) as well as avoid future costs that may be linked to any possible failure of elements of the Local Plan.

This is in line with the Corporate Medium Term Aims 2010/11 to 2013/14, which requires that the council works towards having the lowest District Council Tax in Essex (section 2) and continuously improves efficiency by adopting new ways of working with our partners (section 4).

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EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF MEETING OF DEVELOPMENT CONTROL CHAIRMEN AND
VICE CHAIRMEN
HELD ON TUESDAY, 11 SEPTEMBER 2012
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 9.10 PM

Members Present: B Sandler (Chairman DDCC), A Boyce (Chairman Area Plans East), R Bassett (Planning Portfolio Holder), J Hart (Chairman Area Plans South), Mrs S Jones (Vice Chairman Area Plans East) and Mrs P Smith (Chairman Area Plans West)

Other members present:

Apologies for Absence: Ms Y Knight

Officers Present N Richardson (Assistant Director (Development Control)), S Solon (Principal Planning Officer), J Shingler (Principal Planning Officer) and A Hendry (Democratic Services Officer)

Also in attendance:

1. ELECTION OF CHAIRMAN FOR THE MEETING

As agreed at the last meeting and ratified at this meeting, Councillor Sandler was appointed as chairman of this and future meetings.

2. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the meeting held on 10 February 2011 be agreed as a correct record.

3. ISSUES ARISING FROM THE LAST MEETING/PROGRESS

The meeting was brought up to date on the various items in the minutes from the last meeting.

Minute item 3 – it was noted that:

- i) Democratic Services had offered up to the then Planning Portfolio Holder, as part of a review of area Plans South a budget saving, with the option to bring back Plans South to the Civic Offices. On consideration and after some consultation the Portfolio Holder decided that the Sub-committee should remain at Roding Valley School.
- ii) The guidance for Declarations of Interests had now been changed and Councillors had been trained in the new rules.
- iii) A report on Section 106 agreements had gone to the Planning Scrutiny Standing Panel.

Minute item 5 – The training on Permitted Development and Certificate of Lawful Development had been carried out. Clearer signing had now placed on the website for the Planning Portal.

Minute item 10 –it was noted that:

- i) Early notifications of Appeals was taking place through the Members Bulletin.

4. COMMENTS WEBCAST AT PLANNING COMMITTEES

The meeting were told that officers had noted that appellants had been quoting comments made at planning meetings taken from the webcasts. They noted that Councillors and officers needed to think carefully on what they said at the meetings, such as categorically stating that they “did not like an application and never had”. They would need to temper statements like that by linking it in with the planning merits of the case.

The meeting discussed means to bring this to councillor’s attention. They agreed that a short training session could be added on to the end of a meeting that had a short agenda and carried out after the close of the meeting. This should be done as soon as practicable. Officers should include specific incidents (suitably made anonymous) to illustrate their point. They would also need to make it clear where a personal view expressed by a Councillor was appropriate (e.g. as long as it was linked to planning matters) and when it became inappropriate.

RESOLVED:

That short training sessions be held after suitably (short) meetings for the various Area Plans Sub-Committees to inform members about making appropriate comments at webcast meetings.

5. DEALING WITH MOTIONS TO REFUSE PLANNING PERMISSION

The meeting noted that at a recent claim for costs against the Council in respect of a committee’s reversal of an officers recommendation, the agent was critical of the procedures at the Sub-committee. It was essential that in such cases the correct procedures was followed. The meeting noted the point by point list of actions to be followed when a motion to refuse was made. It was noted that 3(a) of this list should be changed to read “Comments from the Committee to add to the motion”.

Officers should help the Chairman on points of planning policy. Chairmen should make it clear what the reasons were and ensure that officers were comfortable with the reasons given.

The meeting noted that in exceptional circumstances the final decision could be deferred until the next meeting to ensure that officers could provide appropriate advice as to the clarity and reasonableness of the reasons put forward for approval or refusal.

It was noted that it was fine to defer it for more information but not in order to find reasons to justify the decision.

Asked if the council could win an appeal but have to pay costs on an invalid reason for the decision, the officer replied that if one of the reasons were invalid then yes the council would have to pay costs on that reason, even though they won the appeal.

As an aside the meeting wondered if the Highways Officer could be persuaded to say in their report why they made their recommendations and if they had visited the site in question. This would be much more informative than just saying they had no objection to an application.

RESOLVED:

- 1) That the written procedure on dealing with motions to refuse planning permission, be distributed to all members as an aide-memoire; and
- 2) That Highway officers be asked to add their reasons for their recommendations and if they had visited the site in question.

6. SITE VISITS BEFORE AREA PLANS COMMITTEE MEETINGS

The meeting considered the merits of having a site visit before an application went to a Sub-committee for any contentious or large application whose recommendation may be a 'balanced' decision.

It was noted that a lot of members carried out their own site visits before a meeting and were mindful that they did not want to delay an application by deferring it for a site visit at the meeting. They agreed it would be a good idea to have pre-emptive visits to those very few contentious or large applications that may need it. Once seen, it would enable a fuller, more detailed discussion to be had at the meeting. They decided that officers should initially identify these potentially troublesome applications and in conjunction with the relevant Chairman make a decision if a site visit should take place or not.

Officers noted that they now tend to show photos of the application site at the meetings which helped members in reaching their decision. It was also noted that there was only a short time between the publication of the agenda and the meeting, in which to organise a visit. However, potential troublesome applications could be identified early and a site visit arranged before it was put on an agenda.

RESOLVED:

That in the case of the few contentious or large applications that may need prior scrutiny, officers are to discuss with the relevant Panel Chairman to consider the possibility that a pre-emptive site visit be arranged.

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

It had been previously requested that hard copies of planning documents are made available to members to view and if possible to Local Councils prior to a committee meeting taking place. In particular they were concerned about third party representations which are summarised on the agenda report. Members may wish to read the letters in full so that their concerns could be fully understood. However, officers have been reducing the need for copying over the years and thus saving resources. It was also noted that at the end of each report on the agenda is listed the

name and contact details of the relevant planning officer to contact should members have any queries.

Officers can now scan and upload all documents to onto the website and Council's document storage system. The Planning and Economic Directorate are currently working on ways of making background papers available to view on line for all members via the VPN and information@work system. They can also make this available for Local Councils to view.

RESOLVED:

That a system to view background papers online is currently being designed and will be made available to Members and Local Councils as soon as practically possible.

8. IMPROVING THE DECISION MAKING PROCESS

Members had raised concerns about the quality of information available as part of a planning application. Plans were not always accurate, contained sufficient information, had levels for the site or had a street scene elevation. They would also like amended plans to show what had been amended.

Officers replied that they worked to a national guide for applications, unfortunately that did not require a street scene to be included. It should be noted that the sub-committee were making a decision on the plans and application before them and in theory an amended plan did not need to show what had been amended. However, they could always ask the applicant or the agent to state what the changes were.

Officers noted that they did send a lot of the plans back and asked for better information such as indicating the slope of the land or a profile of the adjoining properties.

Members wanted more information with the applications and would like a general statement to go to applicants and their agents that the more information provided the better it would be. Photographs would also be very welcome. Perhaps this statement could go the website.

RESOLVED:

That officers remind applicants and agents that the more information they can provide with their application the easier it would be for members to reach a conclusion and a general statement to this affect go on the Planning website.

9. FUTURE NEED FOR THIS MEETING

The group agreed that a regular meeting of the Chairmen and Vice-Chairmen was helpful. Any major items discussed could be carried over to the Planning Scrutiny Panel if thought necessary. The minutes of this meeting should also go to the Planning Scrutiny Panel for information.

The meeting agreed that they should meet on a yearly basis, unless officers considered an important issue had been raised and a special meeting should be convened.

RESOLVED:

- 1) that this group meet on a yearly basis, unless a special meeting was deemed necessary by officer in conjunction with the Chairman;
- 2) the next meeting therefore should take place in September 2013; and
- 3) Minutes of this meeting should go to the Planning Scrutiny Standing Panel for information.

10. ANY OTHER BUSINESS

The following items of business were raised:

1. Councillor Boyce raised concerns he had about the number retrospective applications now coming to sub-committees. It was postulated that applicants may get confused as just what they could build lawfully without putting in an application. Members would also like it to say on the agenda report that the application was a retrospective application. Officers reminded the meeting that they must be careful if refusing the application just because it was a retrospective application, they must have good planning reasons. They should be judged on its planning merits only. As for putting in the report that it was a retrospective application, sometimes they are describe as being "for retention". However, officers will try and include the words 'retrospective application' in their report from now on.

2. Councillor Bassett informed the meeting that the Government was bringing in legislation altering the permitted development rights for private householders and for industry; enlarging what they are allowed to build, in some cases doubling the size of allowable extensions. This would be mitigated by a corresponding rule not allowing more than half of the garden to be built on. Also, S106 agreements were to be removed altogether. They were also threatening to remove planning powers from local authorities that proved to be inadequate and hand them over to the Planning Inspectorate.

Once details were known Councillor Bassett promised to issue a briefing note to councillors.

3. Councillor Smith made a plea that if Senior Planning Officers were to be given a chance to present at a Sub-committee that the Chairman of that Sub-committee is given advance warning; ideally by just a phone call, introducing the officer beforehand, so that Chairmen are not taken by surprise at the meetings.

4. Councillor Smith wanted it put on record her appreciation for the quick thinking of Jerry Godden who had only a few hours to improvise an alternative means to show the plans at a recent meeting when all the AV systems in the chamber stopped working. Mr Godden had photocopies of the slides he would normally show and distributed them to members of the Sub-committee and members of the public that were present.

5. The Group were made aware of a recent problem at a Planning Sub-committee when a Parish Councillor wanted to table some material on the night of a planning meeting and was told that it would not be acceptable to do this.

This was the correct advice, as it clearly states in the agenda, under advice to the public and speakers page and in our advice booklet "Your Voice Your Choice" that

any further material must not be presented at the meeting. They are however, at liberty to send information to councillors before the day of the meeting.

On consideration, the meeting endorsed the current arrangements as they worked well. They noted however, that Chairmen did still have the option of accepting some material at a meeting if they considered it of exceptional importance.