

Report to the Council

Committee: Council

Date: 15 October 2024

Subject: Technical Services Portfolio Holder

Portfolio Holder: Councillor Paul Keska

Recommending:

That the report of the Technical Services Portfolio Holder be noted.

1. Planning Services:

Building Control

Registration of Inspectors

All Epping Forest Building Control inspectors have now had an opportunity to sit their competency validation examinations. We currently have a manager registered at Class 3&4 able to work unrestricted on all buildings and provide technical management and supervision, 4 inspectors registered at Class 2 for buildings under 18m in height and 3 inspectors who sat the examinations in September and are awaiting results. The team are therefore in a strong position to continue to deliver a robust service, having to date a 100% success rate compared to the national average of 70%.

Operational Standards Rules

The department is now subject to oversight from the Building Safety Regulator. Interim arrangements are currently in place for recording decision making processes and supervision of staff while our software supplier implement an upgrade that will enable reporting of data to the regulator on our compliance levels, interventions, and enforcement activities. It is anticipated that formal submissions to the regulator will need to be made from January 2025.

Cancellation of Private Building Control Providers notices

There continues to be unprecedented workload caused by the cancellation of some private sector Building Control provider's notices for building work in this district. Since 1985 there has been an option to use a private sector Building Control provider who would certify compliance as an alternative to the Local Authority. In the event contraventions were noted by that private provider, the case would be reverted to the Local Authority for enforcement. In practice, these reversions were scarce. Since the formation of the new Building Safety Regulator we, along with all other Local Authorities, have experienced a significant increase in cancelled notices, often with very poor information provided to the Council by that provider to enable any effective enforcement or decision making. Additional workload has also resulted from some providers failing to maintain their registration with the regulator with resultant mass reversions of applications to the Council, often for historic works. We are obliged in these cases to establish contact with the property owner, assess the completeness of works and decide upon a course of action to either continue certification of the works or to take enforcement action against breaches noted. The property owners are often unaware that their works have not been certified, with the builder typically be involved with the appointment of that private inspector.

Staffing update

The Building Control Manager left full time employment with the Council in August and is currently supporting the service on an interim, part-time basis while efforts are made to recruit to his replacement, which is now being advertised.

Development Management

Planning Appeals

Members are reminded that Planning Appeal details are published in the weekly Bulletin, and links to the appeal documents are now provided to enable members to view a relevant appeal by clicking the link.

Location: Chigwell Nursery, High Road, Chigwell, IG7 5BL

Proposed Development: 'Demolition of existing buildings and construction of residential dwellings (Class C3), alterations to existing access, landscaping and associated works (Allocation CHIG R5)'

Council decision: Refused at Committee - 28 June 2023

Appeal decision: Allowed at appeal – 16 July 2024

Appeal conclusions: The Planning Inspector considered that the development would not be harmful to the character and appearance of the area; would not be harmful to the living conditions of neighbouring residential occupiers; would result in 'less than substantial' harm to Little West Hatch, which would be outweighed by public benefit of the scheme; and that the scheme would promote opportunities for sustainable transport modes, improving accessibility to local services.

Costs: A full award of costs was granted by the Planning Inspectorate against the Council since "*this is a site identified in the recently adopted development plan to assist towards the Council reaching its housing expectations, and that the scheme's merits firmly outweigh the considered impacts, I consider that the appeal could have been reasonably avoided*".

Whilst the costs have not yet been agreed or paid, the costs claim submitted by the appellants total £141,000.

Planning Advisory Service Review

Following the Planning Advisory Service (PAS) review in Spring 2024, and the final Review Document being received in March 2024, work took place to amend the Council's committee structure and the Constitution, including the delegation agreement.

The PAS Review and way forward was agreed by Cabinet in May 2024, options for the proposed changes were considered at a Member Workshop in June 2024, and proposed changes were agreed at Constitution Working Group in July 2024. Final suggestions were put to Full Council on 08 August 2024 and were agreed, subject to one amendment.

The new Committee Structure, which are to be known as 'Committee A' and 'Committee B', commences in October 2024.

August 2024 NPPF Consultation

The Ministry of Housing, Communities and Local Government (MHCLG) drafted reforms to the National Planning Policy Framework (NPPF) and went out for consultation to seek views on the proposed changes.

These changes are seen as being vital to deliver the Government's commitments to achieve economic growth and build 1.5 million new homes in the next five years.

Planning Officers have liaised with colleagues across the Council and sought views of Members at a Scrutiny Workshop on 19 September 2024.

A full response was submitted by the deadline of 24 September 2024.

Planning Applications

On 02 September 2024 an Outline Planning Application was submitted for the HGGT Masterplan site at Latton Priory (SP4.1). This application includes up to 1,340 dwellings, Residential Care and Supported Accommodation, a local centre, five traveller pitches, a 2FE primary and secondary school, and a Suitable Alternative Natural Greenspace (SANG).

Planning Officers will be working with the HGGT Team and the relevant partner authorities, along with key Ward Members. Extensive consultation is required for this scale of application, including direct notification of Harlow Residents.

Enforcement action

The following prosecution was secured:

Location: Former Debden Hall Estate, Englands Lane, Loughton, Essex, IG10 2NX

Offence: Felling of c.132 trees without consent an offence under S210 of the Town and Country Planning Act 1990

Defendant: Sukh Chamdal

Court: Chelmsford Crown Court

Date of sentencing: 30 August 2024

Sentence: £300,000 fine reduced to £200,000 for past good character to be paid within six months, ordered to pay Council's costs in full (£89,000) and to replacement plant 101 new trees.

Enforcement Appeal Decisions

Location: Land and Buildings at Blunts Farm, Coopersale Lane, Theydon Bois, Epping CM16 7NT

Alleged breach of planning control: '(a) Without planning permission the material change of use of the site and buildings to commercial and business uses. (b) Without planning permission the laying of road planings to create an accessway, the laying of hard surfacing on the site and construction of a breeze wall over 2 metres in height.'

Date notice issued: 24 March 2022

Date of appeal decision: 9 September 2024

Appeal outcome: Notice quashed as the breach alleged was found to be "broad and vague" by the inspector to the extent that he was unable to exercise his powers to correct the defect without injustice being caused to both parties

Next steps: The breach of planning control remains, and further enforcement action is required. Officers will revisit the site; issue a planning contravention notice to establish the facts on the ground, and issue a further enforcement notice with amended alleged breach following these actions.

2. Regulatory & Technical Services:

Environmental Health

Nitrogen Dioxide across the district continues to be monitored as required and is reported back to DEFRA annually, historical reports are available on Essex Air website. Passive and real time monitoring for Hydrogen Sulphide continues in and around Abridge as a result of concerns raised by residents in the village who have experienced the 'bad egg smell' associated with this gas. The origin of the gas is believed to be from a premise which is subject to enforcement action by ECC and Environment Agency.

The Team are also key to progressing nationally anticipated guidance that supports local authorities in taking action against those performing the aesthetic procedure of buttock augmentation known as the Brazilian Bum Lift or Liquid BBL. This involves the injection of dermal filler into the buttocks to provide a more prominent rounded appearance which is fashionably popular. Serious life changing injuries have been sustained as a result of this procedure being performed within the district on individuals who have travelled from all across the country. Progress with the guidance will be announced at the Chartered Institute of Environmental Health's National Beauty Conference on the 26th September, where the Team Manager will be presenting their work and involvement. Currently, including EFDC, 10 Local authorities across all UK countries are engaged investigating the activities of locally based Essex companies and practitioner who promote and perform the procedure. Prohibition Notices under the Health and Safety at Work etc 1974 have been served by Environmental Health Officers preventing the procedure being performed within the district.

Licensing

On 20th February, the Licensing Sub-Committee convened to determine an application for the grant of a Hackney Carriage drivers' licence. The hearing was to consider the suitability of the applicant following his failure to disclose previous convictions and that he had previously held a Private Hire driver's licence with TFL. At the hearing the applicant stated that whilst he had signed the application, it had been completed by someone else on his behalf. A decision was concluded by the members of the Licensing Sub Committee to refuse the application for a Hackney Carriage driver's licence as they considered him not a fit and proper person due to his failure to disclose 2 previous convictions in 2017 and that he had previously held a licence with TFL.

The applicant appealed to Magistrates Court against the decision of the Sub-Committee and the appeal was heard on 6th August 2024 at Basildon Magistrates Court. Following evidence given and cross examination of officers and the applicant, the bench determined to refuse the appeal. In reaching their decision, the bench decided that the applicant should pay £3,080 in costs to the Council.

Consultation on Statement of Principles Under the Gambling Act 2005

The Act requires all licensing authorities to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act, commonly known as a policy statement. The policy must be reviewed at least every 3 years and where reviewed and changes proposed, licensing authorities must consult on any revision.

The current policy was agreed by the Licensing Committee and approved by the Council in 2023 following minor amendments to reflect the latest guidance and to update the area profile in line with the Essex County Council Census 2021 and the Office for National Statistics data. However, it is a statutory requirement that the policy be reviewed and republished again by January 2025.

Given the recent review, consultation, and approval of the policy in 2023, no changes to the policy have been necessary. Therefore, the only change proposed, is the date on which the policy will take effect (January 2025). Consultation on the revised policy ends on 30th September 2024.

Pavement Licensing Policy

Pavement licensing was introduced under The Business and Planning Act 2020 as part of Governments emergency response to the COVID pandemic. Its intent was a simplified and fast track route for pubs, restaurants, and cafes to obtain a temporary permission to place furniture including outdoor tables and seating on the highway, allowing them to increase their outdoor capacity safely, quickly and at a low cost.

The existing policy was agreed by Cabinet on 20th July 2020, The regime was first extended in 2021, and subsequently in 2022 and 2023 and throughout this period, the scheme of delegation for determining applications, conditions and pavement licensing policy have

remained unchanged. The Levelling Up and Regeneration Act 2023 makes permanent the provisions set out in the Business and Planning Act (BPA) 2020. This permanent regime retains the key features of the 2020 legislation, intended to streamline processing and reduce costs, but also incorporates some key changes, to ensure long-term sustainability of the model. In response it has become necessary to review and amend the existing policy to reflect legislative changes and the updated guidance. Consultation on the draft policy has already taken place with Essex County Council to ensure that conditions attached to licences, remain fit for purpose and similar to the existing policy. Consultation on the revised policy ends on 30th September 2024, following which the draft policy will be presented to Cabinet for approval.

Community Resilience

During this period the Environmental Enforcement Officers have received 1066 complaints and have conducted over 340 visits across the district. The team have consistently engaged in Op Dial patrolling at The Broadway, Debden. They have recently commenced Dog Control PSPO Enforcement Patrols around the Oakwood Hill area as part of the PFCC Safer Streets funding initiative. These patrols encompass both education and enforcement of the stipulations outlined in the Dog Control PSPO.

Fly tipping July to 17 Sept 24.

There has continued to be a persistent rise in fly tipping reports throughout the district during this quarter. To date the team has investigated and facilitated the removal of 541 deposits across the district. July and August have shown a 3% increase compared to the corresponding period last year. Active investigations for the period have increased by 6% on last year. Gutteridge Lane has seen continued work, with the recent deployment of a Solar CCTV system. Within days of the deployment, the system had successfully captured footage of several instances of illegal waste disposal at the location.

The Anti-Social Behaviour Team have been working on the Safer Streets project at Oakwood Hill estate, Loughton. The project has been progressing well, a resident consultation has been undertaken on the estate to understand what the local community wanted and needed. This was instrumental to planning the project. CCTV is due to be installed across the estate in hotspot areas by the end of the year. The locations have been determined by police intelligence, crime pattern analysis and resident feedback. We have undertaken youth provision consultation on the estate to understand what the young people want; we are in the process of trialling different interventions to make sure we have the right provision for what the young people want. Focus is on area enhancement, healthy relationships, community safety and lighting. The funding has been extended until July 2025, which is when we will look to conclude the project ensuring there is a sustainability plan in place.

Operation Dial, patrols are continuing at Debden Broadway twice weekly, the feedback from residents and businesses has been really positive. The area has been extended to cover Barrington Close and down to Langston Road, due to reports of anti-social behaviour that have occurred in those areas.

Anti-social behaviour complaints have increased throughout the summer, there has been an increase in enforcement for Closure Orders on properties and the service of Community Protection Warnings and Notices. Powers under the ASB, Crime and Policing Act 2014 have allowed the team to deal with anti-social behaviour matters robustly.

EFDC Policing Team

In the last 3 months (June, July August) 7 new taskings have been taken on, 5 of these have been completed and 2 of them have become ongoing for longer term support and/or involvement. The 2 new taskings that we are continuing work on is reducing the ASB reports coming from Cottis Lane Car Park, and an investigation into a brothel in Waltham Abbey which through CST action we swiftly closed down and are now seeking prosecution for those that were running it.

The 5 new completed taskings include 3 cannabis odour locations to investigate out of hours, one resident thanked us for our repeated visits as they believe police checks stopped the behaviour of their neighbours. We supported housing and bailiffs at an eviction in Limes due to a person linked to the address being known for violence, and worked to locate a vulnerable person who had not been seen for many weeks and support services were concerned about her.

In addition to the 7 new taskings, 5 other taskings have been completed that had rolled over from the previous quarter, these included planning and running the community police deployment at the Waltham Abbey music festival over August bank holiday, planning and running the EFD deployment for General Elections, providing support to the Limes CPT beat officer at events, attending with EH at a food hygiene visit as the owner had previously made threats, and tackling a nuisance vehicle issue occurring in Spencer Close Epping.

We also have 3 ongoing and longer term taskings that we continue to work on which are monitoring and attending concerns/tensions at the Phoenix Hotel, being lead for enforcement of a closure order currently in place in Loughton, and targeted patrols in the Broadway based on what the current main issue being reported by residents is (currently people smoking cannabis in the stairwells of the flats).

We also conduct work outside of our taskings, some very brief highlights over the last few months are:

June: The pursuit and seizure of a vehicle committing burglaries across EFD; PC Baggley and PC Amner received commendation for saving a life with CPR; 2 high risk missing person searches carried out (separate incidents) both fortunately located safe and well; the pursuit and seizure of a stolen vehicle; 2 people arrested for making off from fuel stations across EFD; a high risk domestic violence suspect located and arrested; The team joined “Op-Claymore” deployment which targets criminal use of the road network during which CST officers recovered a cloned moped and driver was arrested, assisted in 2 further arrests for theft of a motor vehicle and 2 stolen vehicles recovered following a pursuit which was ended with the use of a STINGER device, and seized an uninsured vehicle with the driver being reported for the offence.

July: The pursuit and arrest of a male stealing from vehicles in Epping; arrest of a high risk domestic abuse suspect; located stolen vehicles belonging to Qualis/EFDC and arrested the suspect with excellent evidence located on arrest; located multiple other stolen vehicles; arrested a male for multiple offences who had made off on a moped. The team also took part in Broadway Night of Action with partners; located a chop shop with 4 stolen vehicles inside and arrested the suspect; a high-risk domestic abuse suspect was arrested for 6 serious offences. July was particularly busy for CST and we recovered stolen vehicles valued at approximately £250k, 5 of which were EFDC owned.

August: 3 stolen vehicles located and 2 seized for no insurance in the first week alone from a joint operation with Harlow Community Policing Team targeting the borders, arrested a male wanted for burglary. The team took part in “Op-Stronghold” which for CST included an engagement session at the Phoenix Hotel, Oakwood Hill Community Safety Day with EFDC and Community Policing Teams, and a vehicle ASB deployment that resulted in 1 stolen vehicle being recovered. The team used “tracker” technology to locate a chop shop containing 5 stolen vehicles; recovered drugs and weapons from a house search resulting in a recall to prison for a male that had been causing nuisance issues for EFDC; pursuit of a vehicle stolen from Buckhurst Hill which decamped and 2 suspects was arrested by the dog unit. A search for a high-risk missing person was a great result for the team who found them quickly. In total 11 stolen vehicles were recovered in August.

Environmental Protection and Drainage Team

The team responded to some out of hours calls recently including a sewage overflow incident impacting residents. Despite some rain during recent thunderstorms there has not been significant flooding in the district to date but that is likely to change going into winter months.

Officers have overseen the renewal of the Council Sewage Treatment Plant maintenance contract for one further year.

Highway Rangers

The Highway Rangers have undertaken some recent periodic rotations of the Speed Indicator Devices installed for Buckhurst Hill Parish Council. The Highway Rangers are currently working on improving a footpath access for a play park located on EFDC land at Roding Recreation ground to improve access and safety for users. They have also been working on maintaining trees planted in the recreation area to reduce bank erosion of the river, removing offensive graffiti from play parks and sign repairs and cleaning across the district.

Countrycare

The Countrycare Team continue to manage Local Nature Reserves across the district owned by EFDC or as charged work to parish council's or other owners. Recent meadow and grassland cuts undertaken by Qualis have continued to help meadow habitats thrive by removing dominant species and nutrients to allow wildflowers and associated invertebrates flourish. The team are awaiting the return of the repaired team Land Rover recovered following the recent depot burglary. Volunteer days continue on the various sites and a summer walk and lunch was arranged for the volunteers to thank them for their contribution to maintaining and improving the reserves.