

**Notes of Planning Agents and Amenity Group Forum: 26/10/2010**

**430pm - 640pm**

<b>Attended</b>	
<b>ATTENDEE</b>	<b>COMPANY/GROUP</b>
Alastair Allan	BRD Tech - Agent
Jackie Pepper	JSP - Agent
Jane Orsborn	Agent
Rachel Padfield	Sworders Agricultural - Agent
Phil Nicholas	BDC - Agent
Martyn Pattie	Architect - Agent
Cllr Ken Angold-Stephens	Loughton Residents Assoc.
Jacqueline Dodman	T. Bois Action Group
Terry Blanks	North Weald Residents
Sandra Fenton	St Winifreds Residents
Sue McKinley	Friends of Epping Forest
Nicola Wilkinson	Roydon Society
Sue Rigley	Conservators of Epping Forest
Steve Miller	W. Abbey Heritage Soc.
Dr Warren	T. Bois Action Group
Cllr Maggie McEwen	Member of PSSSP
Cllr Jon Whitehouse	Member of PSSSP
Cllr Syd Stavrou	Planning-Development Control Portfolio Holder
John de Wilton Preston	Director of Planning & Economic Development

Nigel Richardson	Assistant Director (Development Control)
Jill Shingler	Principal Planning Officer – Development Control (North Team)
David Baker	Planning Officer – Development Control (South Team)

**Apologies received from:**

Cllr John Philip – Chairman of Planning Services Standing Scrutiny Panel (PSSSP)

Steven Hayhurst (Planning Agent) and Pamela Merritt (Agent and Architect)

**Agenda**

1. Registration and validation of planning applications
2. Charging for planning applications/advice
3. Implementing planning policy
4. Impact of development on existing infrastructure
5. Impact of development on Green Belt/Open Spaces
6. Role of Members in planning decision making
7. Any Other Business

Cllr Philip at the last minute was unable to attend due to work commitments and Cllr Jon Whitehouse instead chaired the meeting in his absence.

The agenda was formulated following pre-forum comments received from the attendee's.

## 1. REGISTRATION AND VALIDATION OF PLANNING APPLICATIONS

The Forum were asked whether we were doing this well compared with other planning authorities: were we too thorough?

Not surprisingly, the Planning Agents commented mostly on this aspect of planning, as this affects them and their clients at this stage of the planning process. Everyone agreed the importance of this process and the need to get this right, but it was felt we were too strict in certain areas:

- Requiring a street scene. Cannot gain access to neighbours properties to measure and therefore rely on photographs to draw street scene (neighbouring buildings either side of application building). Worry of agents that this may not be accurate when it comes to building and may be financial repercussions. **Officer** response is that this should be labelled up as "indicative" and streetscenes have been requested by Town and Parish Council's to help in decision making by seeing the proposed development in its context.
- Incorrect fees. There is sometimes some inconsistency. **Officer** response was that the fees are currently set by Government but whilst fee is dependent on development type/ size, some types of development are less easy to categorise. Website attention could be drawn to Government Circular 04/2008, which gives good examples of fee calculating, particularly for mixed development.
- Applications returned for initial reason and after rectifying and returning it to the Council, it is returned for another reason. The client is not aware of delays and blames the planning agent submitting the application. The example stated was the red-line identifying the planning application site was too thick and when returned, it was sent back then for a scale-bar and further fee. **Officer's** explained the statutory importance of the redline, particularly where the development is close to the site boundary and therefore should not be too thick so as to lose clarity for the distance between the development building and its nearest boundary of the site. The sending back of plans were quite common about a year ago where they did not include a scale-bar on all drawings, which is a validation requirement of EFDC, but most agents now doing this. The plans need to be clear and consistent as discrepancies will be picked up later in the process and officers can refuse or request you withdraw the application.
- Too much detail required to front-load a planning application. In some cases, tree survey asked after 3 weeks of application being submitted. Other surveys add considerably to the client's bill who is very reluctant to pay out at this stage, particularly if doubt over planning permission being acquired. Why not impose planning conditions as previous. Amenity Group member conversely concerned that one planning application did not include protected trees and should have had a survey, but officers in the end accepted the detail. **Officer's** explained that validation

requirement has toughened up as a response to pressure group concern that tree, ecology and biodiversity issues not being given sufficient weight in the application process and planning conditions ineffective if problem is identified after planning permission is granted. We also in the past have lacked expertise in biodiversity/ecology issues but CountryCare officer now provides this.

## **2 CHARGING FOR PRE- PLANNING APPLICATION ADVICE**

This has been operating for the last 5 years with mixed results. It is £1500 + VAT and applies to Major category applications only. The agents did not think this was worth paying since the officers response was virtually a re-issue of planning policy with disclaimers at the end. It was felt by some that this should be part of a public service and the general professional duty of the planning officers. It does not necessarily speed up the process, although the example of 3 weeks to acknowledge and another 3 weeks before the pre-app meeting took place was not EFDC but Chelmsford. East Herts for example, charged less than EFDC, but included a fee for "Minor" category applications (£300 for Minor, £600 for Majors). One agent pointed out that not going through the pre-application process in some council's usually resulted in a refusal of planning permission. The matter of costs in producing a planning application was raised and pointed out to officers that EFDC are very strict on contamination issues and reports can be £2000 just for an initial assessment. Householder applications in particular do not justify contamination survey given someone is already living there. **Officer's** response in respect of contamination, we have a specific officer dedicated to this work and therefore it is other council's who are not carrying out this duty thoroughly enough. On the other matters, Members do not comment at pre-application stage for fear that they may prejudice themselves from taking part in the decision making process when the application is reported to a planning committee. However, officers have recently been bringing major applications to pre-committee meetings to make members aware of potential development and to seek local knowledge of importance that can be passed on to the developer. **Officer's** will review the charging and report to Members, but agree that a more worthy written response is required, which should include a way forward through amending the scheme, if there is one.

## **3. IMPLEMENTING PLANNING POLICY**

John Preston explained timetable for production of Local Development Framework, upcoming consultation, its delay due to gypsy and travellers work, revocation of East of England Plan, Government indications via spending review etc. Protection of the Green Belt was raised by amenity group and defended: Officers pointing out that 94% of EFDC is Green Belt. The Chairman pointed out that big decision of tension re no development against need for housing - eg affordable housing.

It was questioned whether Landscape Character Appraisals, Village Design statements and Ward Profiles would be included in LDF process. It was reiterated that loss of bungalows in Theydon Bois should be resisted because there is still a need particularly by more elderly people and that officers do not use Local Plan policy H4A- Dwelling Mix to defend them.

**Officer's** response was that the loss of bungalows needs research and substantiating and was not in the policy itself. Also, did not have the resources to carry this out. Flat developments in Manor Road, Chigwell was harming the local area, though Officers pointed out that they had successfully resisted some proposals for flats here.

Other issues raised and briefly discussed included Community Visioning, but most people do not want change, despite all households, parish and town council's to be consulted; lifting of agricultural occupation conditions - rarely done but if prove lived at property and not been occupied in agriculture for more than 10 years, then there is little the council can do about it and it can be regularised through a process called certificate of lawful development; and finally, will EFDC require all developments to require Code Level 4 compliance, which Officers responded by stating that this would be dealt with as part of LDF process.

#### **4. IMPACT OF DEVELOPMENT ON EXISTING INFRASTRUCTURE**

This was a specific discussion about Council's biggest asset, North Weald Airfield, and the question was posed that if redeveloped, the infrastructure would not be able to support new development and rumour is that there will be a waste transfer station relocated here from the current depot in Langston Road, Loughton. The Chairman pointed out that the Council has a North Weald Airfield and Asset Management Cttee that is looking into this matter and not really for discussion in this forum.

#### **5. IMPACT OF DEVELOPMENT ON GREEN BELT/ OPEN SPACES**

There was a general agreement that the Green Belt was important in protecting the Forest and smaller woodlands because it provides areas for endangered species to thrive. A small development close by can have a large impact - e.g. large agricultural houses, and agricultural vehicles that damage roadside verges - perhaps this could be foreseen before necessarily granting planning permission. **Officer's** response was that there is a difficulty in balancing the agricultural requirements against ecology and biodiversity issues. They both have a role to play in the countryside. The planning permission granted to build St John School on green belt land in Epping was briefly discussed and pointed out that this was decided by a Planning Inspector, though there will be on rare occasions, very special circumstances that allow development to proceed in the Green Belt, such as in this case.

#### **6. ROLE OF MEMBERS IN PLANNING DECISION MAKING**

Agents commented that Planning Officers provide good advice and generally are available, which compares more favourably than most other council's where it is very difficult to contact an officer to discuss a pre-application proposal. One agent went as far to say we were one of the best he deals with, comparable to LB of Barnet and Enfield and better than other Essex authorities. However, there is endless frustration when a lot of time, money and resources have gone into negotiating a development through meetings with officers, only for the officer's recommendation to be overturned by Members at Planning Committees.

Councillors should be better educated on planning issues. Cllr Mrs Stavrou pointed out that there is an excellent training programme for Councillors, including local council members, run by officers, but unfortunately not all attend. Cllr Angold-Stephens thought this was mandatory but it was not being enforced. One of the Amenity Group attendees felt that planners also needed educating as there was not consistency in assessing planning developments.

Planning Agents felt that Members were not prepared before meetings and should be familiar with the plans beforehand. Brentwood arrange for Councillor to see sites. Members do occasionally defer at EFDC for a site visit.

**Officer's** stated that Planning Services Standing Scrutiny Panel are due to visit 3-4 sites where development has been built to assess planning issues and impact. There is a pre-meeting before the Committee takes place so that officers and members can raise issues and it is here that member representatives are shown plans and briefed over the development items.

There could be better information provided for objectors about how they could speak at committees. **Officer's** pointed out that there was a pamphlet sent out to objectors when they were notified an application was going to a planning committee, which informed of the arrangements for speaking at planning committees.

## **7. ANY OTHER BUSINESS**

Website not that user friendly on planning pages. There is difficulty in finding what you want and agents did not feel I-Plan was totally reliable for planning history of a site. **Officer's** responded that a User group is being set up to look at the website and hopefully this will result in improvements.

Improved consultation on planning applications in the local area would make people more aware of what was on-going in their neighbourhood. **Officer's** - On request, weekly list of all planning applications received can be e-mailed out.

Planning case officers often do not respond to e-mails phone-calls even with repeated chasing up. This does vary as some are better than others. **Officer's** - Workload and constant deadlines prioritises work but the matter will be raised at Officer Team Meeting to see how this can be improved.

8-week target is too rigidly enforced. Agents sometimes advised near deadline that plans need altering and therefore should withdraw the application or have it refused. The result is an unnecessary delay when amended plans could have overcome the issue. Everyone agreed that quality of the decision should be more important than speed of delivery, but **Officer's** stated it is the performance by which the development control service is measured by Cabinet and Epping Forest. The Government have just announced scrapping of performance targets in respect of speed of decision making within 8/13 week parameters at the end of next March, but as yet it has not been announced what if any new national targets will be set and indeed, whether the current ones will be retained as local performance

measures specifically for EFDC. The Planning Agents wished that Officers could deal with the discharge of planning conditions in the same time limit, but it was not unusual for these to take longer. **Officer's** response was that unfortunately, because these were not performance measured, then these were not always such a high priority, although more straightforward conditions should be dealt with within a reasonable time period.

Finally, there was a suggestion that in the future, planning agents and the amenity groups could be held separately as separate forums, but the general consensus from those who were present is that the current forum worked well and indeed, there had been cross-learning and a better understanding of the issues facing each group.

*This note of the forum meeting was compiled by Nigel Richardson*