

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF PLANNING SERVICES SCRUTINY STANDING PANEL
HELD ON THURSDAY, 3 MARCH 2011
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 9.25 PM**

Members Present: J Philip (Chairman), H Ulkun (Vice-Chairman), C Finn, Mrs A Grigg (Chairman of Council), Mrs S Jones, Mrs M McEwen, J Markham and A Watts

Other members present:

Apologies for Absence: Mrs P Brooks and J M Whitehouse

Officers Present J Preston (Director of Planning and Economic Development), N Richardson (Assistant Director (Development Control)), P Millward (Business Manager), J Godden (Planning Officer) and M Jenkins (Democratic Services Assistant)

63. APOLOGIES FOR ABSENCE

Apart from the apologies noted above, Councillor Ms S Stavrou requested that her apologies be noted at the meeting. Although she was not a Panel member, Planning was within her portfolio on the Cabinet.

64. SUBSTITUTE MEMBERS

There were no substitute members present.

65. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Member's Code of Conduct.

66. NOTES FROM THE 2 DECEMBER 2010 MEETING

RESOLVED:

That the notes of the Panel meeting held on 2 December 2010 be agreed.

67. TERMS OF REFERENCE

The Terms of Reference were agreed.

68. WORK PROGRAMME

The following was noted:

(7) Review a selection of controversial planning decisions to see if lessons could be learnt from their consideration.

It was noted that the site meeting organised for Saturday 5 March 2011 was not going ahead. It was advised that suggestions were needed for possible site visits in the Area Plans West Sub-Committee area. It was suggested that a site close to the Gunpowder Mills in Waltham Abbey would be suitable for a visit. It was advised that photographs of the site taken at night would assist at the visit. Mr N Richardson, Assistant Director of Planning and Economic Development, said he would email Panel members with suitable dates on a Saturday, along with links to Iplan as well.

69. IMPROVEMENT PLAN

An updated version of the Improvement Plan would be submitted to the Panel in the new Council year.

70. PLANNING AND ECONOMIC DEVELOPMENT DIRECTORATE DRAFT BUSINESS PLAN 2011/12

The Panel received the updated Directorate of Planning and Economic Development Business Plan 2011-2012, presented by Mr P Millward, Business Manager, Planning and Economic Development.

Attention was drawn to the training of directorate staff. There was concern that the District Council should get value for money for external training undertaken. However it was possible that the private sector would attract trained planning staff in the future if the economy improved.

The Chairman thanked Mr P Millward for attending.

RESOLVED:

That the Planning and Economic Development Directorate Draft Business Plan 2011/12 be noted.

71. PLANNING ENFORCEMENT PROTOCOL

The Panel received a report from Mr J Godden, Principal Planning Officer, regarding the Planning Enforcement Protocol.

At the Panel meeting in September 2010, members had requested that a review was carried out of the Planning Protocol Code of Practice as it related to the Enforcement Section. This was due to concerns about apparent delays in subsequent action once enforcement action had been authorised.

Enforcement investigation frequently took a considerable amount of time because the planning system allowed for the submission and determination of retrospective applications and appeals made against unacceptable development. This allowed the time span of the investigation to become long. Whilst the determination of applications and subsequent appeals was taking place it could seem to third parties that nothing was taking place, when in fact it was a live case.

The Enforcement Section provided full contact details of the investigating officer to the complainants with an invitation for them to contact the officer for updates on the progression of the case.

There was concern about providing the members with information on current enforcement cases (there were 700 items raised for enforcement per annum). Members could use this information if they received enquiries from the public. It was suggested that a secure part of the District Council's website could have information on enforcement cases. However officers were unclear as to how this could be achieved at the moment.

RESOLVED:

That the report regarding Planning Enforcement Protocol be noted.

72. PLANNING ENFORCEMENT ROUTE OF ENFORCEMENT ACTION

The Panel received a report from Mr J Godden, Principal Planning Officer, regarding the routes for planning enforcement. A flow chart was submitted to the Panel and showed the time line from the receipt of an enforcement complaint to the carrying out of site visits.

RESOLVED:

That the Planning Enforcement Route of Enforcement Action be noted.

73. ESSEX LOCAL TRANSPORT PLAN 3 CONSULTATION

The Panel received a report from Mr J Preston, Director of Planning and Economic Development, regarding the Essex Local Transport Plan 3 Consultation.

Every local highway authority, in this case the County Council, must produce a Local Transport Plan (LTP) for its area. This plan covered a period of 15 years. The LTP was intended to identify what the highway authority wanted to achieve by investing in transport over the next 15 years, and explain how this would help to achieve sustainable economic growth in the county. The consultation document split the County into four areas, the district was part of the West Essex area.

The consultation document listed five outcomes that the plan must deliver:

- Provide reliable connectivity for international gateways to support sustainable economic growth, regeneration and wellbeing.
- Reduce carbon dioxide emissions and improve air quality through lifestyle changes, innovation and technology.
- Improving safety on the transport network and enhancing and promoting a safe travelling environment.
- Maintain all transport assets to an appropriate standard and maximise network availability and resilience.
- Provide sustainable access and travel choice for Essex residents helping create sustainable communities.

The consultation ran from December 2010 to 11 February 2011, but it had not been possible to report to an earlier Panel meeting. Officer level comments were therefore sent to meet the deadline, on the understanding that further Member comments would follow. The consultation took the form of a questionnaire, which was designed to encourage responses from members of the public, as well as local authorities and other relevant organisations. There were 22 questions, several of which were aimed

solely at individuals, and so were not appropriate for the Council to respond to. Officers opted to respond to 5 of these. They were as follows:

Question 5

What approach should be taken to achieve the five outcomes? Three options were given, but in each case there would be similar expenditure on safety and maintenance:

Option 1 Investing in growth. Spending would be focused on improving transport connections within and between the main towns where investment was likely to have the greatest benefit to the economy.

Option 2 A better place to live. Spending would be spread more evenly across the county and all the outcomes with the aim of making Essex a better place to live and work by improving access to work, education and leisure activities.

Option 3 A low carbon future. Spending would be focused on providing travel choice and encouraging less car use to reduce CO2 emissions.

Officer Response

It was felt that Option 2 was preferred, but with reservations. As resources were going to be very restrictive for the foreseeable future, there was the likelihood that, spending would veer towards the promotion of economic growth and away from environmental objectives and projects or carbon reduction.

Question 8

What sections of the highway network maintained by the County Council should be the priority? There were 8 options given, and the top 3 were requested using numbers 1 to 3.

- Option 1** Main roads between towns
- Option 2** Minor roads between towns and villages
- Option 3** Local roads in residential areas
- Option 4** Pedestrian pavements (alongside roads)
- Option 5** Public footpaths
- Option 6** Cycleways
- Option 7** Street lighting
- Option 8** Street furniture

Officer Response

- Priority 1** Main roads between towns;
- Priority 2** Minor roads between towns and villages; and
- Priority 3** Pedestrian pavements (alongside roads)

Question 9

Are there any issues of concern about the rail or trunk road network?

Officer Response

Issues of concern:

- Capacity of J7 of the M11

- Need for new junction (7A) on M11 between Harlow and Sawbridgeworth
- Impact on local road network when either or both motorways were affected by accidents or other delays
- Linked issue of frequency of messaging signs on the local road network
- Timetable/feasibility of Network Rail's plans to remove all level crossing facilities on the Liverpool Street line, of particular concern was what this meant for Roydon. A bridge over the railway line was probably impossible, and the only alternative appeared to be a bypass with significant implications for impact on the Green Belt
- Implications of increased frequency of Stansted Express trains on frequency of local services which served local and easily accessible stations
- Capacity of rail network at rush hour
- Capacity of the Central Line and associated car parks
- Very final decision on the future of the Epping to Ongar section of the Central Line
- Distant possibility of extension of Central Line to Harlow

Question 12

Priorities for West Essex, to select three from the following seven:

- (a) Improving the attractiveness of bus services to and within Harlow through packages of improvements to facilities for buses at the busiest sites.
- (b) Improving bus and all public transport links to and between the West Essex Centres.
- (c) Supporting regeneration initiatives within Harlow and local centres by improving the attractiveness of streets and public spaces.
- (d) Supporting housing and employment growth and regeneration initiatives in Harlow and the local centres by providing transport access to development sites which encouraged low carbon and low congestion travel choices.
- (e) Improving access to Harlow from the M11, particularly to improve journey time reliability.
- (f) Improving access to Stansted Airport by low carbon forms of transport.
- (g) Upgrading and improving cycling and walking networks in Harlow to encourage greater use.

Officer Response

Priority 1 (2) above adding "and key public facilities such as hospitals" after "centres."

Priority 2 (3)

Priority 3 (4)

In general there was concern about the emphasis on Harlow's issues. The districts of Epping Forest and Uttlesford demanded more detailed analysis and understanding. No mention was made of other centres, such as Waltham Abbey, which had much poorer public transport services.

Other priorities (not in any specific order).

- Freight strategy for the county
- Car parking in the towns/villages served by the Central Line
- Congestion in the south of the district

- Traffic issues associated with two regeneration schemes – The Broadway, Loughton and St. John’s Road, Epping
- NOx pollution of Epping Forest
- Lack of easily accessible information about community transport – particular problem for the elderly
- Future for business aviation at North Weald Airfield
- Lack of bridleway networks

RESOLVED:

That the responses made to the Essex Local Transport Plan 3 Consultation be noted.

74. CONSTRUCTION DAMAGE TO HIGHWAYS INFRASTRUCTURE

The Panel received a report from Mr N Richardson, Assistant Director of Planning and Economic Development, regarding Construction Damage to Highway Infrastructure.

At the meeting held on 2 December 2010, the Panel would recall that Emma Featherstone, Development Manager Engineer, from the County Council’s Environment Sustainability and Highways Executive attended and advised that any damage to the highway include grass verges, which had been raised as a particular issue by a few members, should be reported to the Maintenance Team at the West Area Highway Office. It was further explained that the difficulty was gathering evidence and proving who or what had caused the damage and therefore how the perpetrator could be held responsible for paying for and rectifying the damage. Routine maintenance inspections were carried out by highway inspectors for the Highway Authority, who record damage/faults and start the process of rectifying and repair. It was also reported that this was not a planning enforcement function because the damage itself was not subject to planning control. However, it was agreed that further discussions would take place between the highway and the planning authorities to resolve the matter of footway damage during the construction period.

Following the meeting, the County Council have now produced simpler procedures for reporting highway problems, which would include the issue of highway damage during construction. The District Council’s website currently advertises the ease of reporting highway problems online. It was a case of reporting the problem and then investigating. Damage to verges could be repaired if on highway land. Damage to a private verge would be down to the individual owner and therefore Planning Officers need to be made aware of this before deciding the appropriateness of including any planning conditions. The County Council Maintenance Team revealed that there were 3 cases over a 6 month period where they were able to prove damage caused, at a total case damage to footways sought from the owners of about £7,500.

Secondly, all planning decision notices, including certificate of lawful development notices, were now including an information note that read as follows:

“Applicants are advised not to store building materials on the highway nor to damage highway verges, to avoid parking construction vehicles and machinery on verges. If damage occurs, the Council will require verges to be restored at the applicant’s expense.”

RESOLVED:

That the report regarding Construction Damage to Highways Infrastructure be noted.

75. STANDARD LETTERS - 1. NEIGHBOUR NOTIFICATIONS ON PLANNING APPLICATIONS 2. ACKNOWLEDGEMENT OF ENFORCEMENT COMPLAINT

The Panel received a report from Mr N Richardson, Assistant Director of Planning and Economic Development, regarding Standard Letters – Neighbour Notifications on Planning Applications and Acknowledgement of Enforcement Complaint.

The Panel at the meeting held on 2 December 2010 requested that an item be added to the Work Programme in which they would scrutinise the standard letters the Development Control section send out to the public when they were consulted on planning applications and when the officers acknowledge an enforcement complaint for investigation.

The first letter presented, was dispatched at the beginning of the planning application process, it informed the recipient, who might be affected, of the proposed development submitted to the Council and gave them opportunity to comment.

Two leaflets were posted at the same time, and were also presented to the Panel. The first was called "Making Your Views Known," it informed how they could find out about an application, how to comment, grounds for making objections and the decision making process.

The second leaflet was a guide to viewing the planning application online through the Council's website.

The Panel also saw the enforcement acknowledgement letter. It explained who the complaint was allocated to, the steps the Council could take and cross references to the enforcement guide on the website. It also warned that the complaint may take some time to investigate, because time evidence needed to be built up and legal advice sought in particular cases.

RESOLVED:

That the report regarding Standard Letters be noted.

76. OFFICER DELEGATION

The Panel received a report from Mr N Richardson, Assistant Director of Planning and Economic Development, regarding Officer Delegation – Local Council stating No Objection but comment that application go to Area Plans Sub-Committee.

In October 2010 the Panel discussed the current delegated powers of the Director of Planning and Economic Development in respect of determining planning applications where the Local Council had raised no objections to a planning application but still requested that it be reported for determination by the relevant Area Plans Sub-Committee.

As this matter was being discussed at Local Council's Liaison Committee on 10 November 2010, the Panel requested that the relevant minutes of this committee be forwarded to them.

This issue had come about following a comment on a planning application made by Waltham Abbey Town Council, who despite making clear they had raised no objections, commented further that it should be reported to the Area Plans Sub-Committee.

Under the current delegation powers, there was no provision for such planning applications to be reported to planning committees. As reported to the Local Council's Liaison Committee it was made clear that there were two provisions, among others, where planning applications were reported to planning committees that involved Local Council comments. They were:

- (a) Applications recommended for approval contrary to an objection from a local council which were material to the planning merits of the proposal; and
- (b) Applications recommended for refusal but where there was support from the local council and no other overriding planning consideration necessitates refusal.

The committee was reminded that local councils had two further delegation options which triggered applications going to planning committees.

The first being that they could comment, as they occasionally did, in a more positive way where it was felt necessary. The second option, that a local District Councillor could request a planning application be reported to their relevant Area Plans Sub-Committee within the first four weeks of notification.

RESOLVED:

That the report regarding Officer Delegation be noted.

77. GENERAL APPROACH TO ASSESSING IMPACT ON LIGHT

The Panel received a report from Mr N Richardson, Assistant Director of Planning and Economic Development, regarding the General Approach to Assessing Impact on Light. Members had requested advice about how officers assess the impact of new development on daylight and sunlight to neighbouring dwellings. A particular concern was the impact of extensions to houses.

The purpose of assessing impact on light was to gauge whether the living conditions of the neighbouring dwellings would be excessively harmed by the development. While some harm was accepted as a reasonable balance between safeguarding the amenities enjoyed by neighbours and the right of residents to enlarge their house in order to improve their own living conditions, development that was assessed as likely to cause excessive harm to amenity was resisted.

In respect of extensions to dwellings, it was advised that there are quick methods for assessing the impact of extension on daylight and sunlight.

Impact on sunlight was assessed by considering the relationship of the proposal to the passage of the sun across the sky from dawn to dusk that was typical during the equinox. That allowed a general indication of where the development would cast a shadow throughout the day. Windows orientated in any direction within 90 degrees of due south would enjoy reasonable to good levels of sunlight. If it appeared that a shadow would be cast towards them by a new development then further consideration needed to be given to the matter of impact on daylight.

Most extensions built were to the front or rear of a house. They were normally orientated at right angles to any potentially affected window. For the purposes of gauging impact on living conditions potentially affected windows were taken as being those that served habitable rooms.

Members requested that the report be put into the Bulletin.

RESOLVED:

- (1) That the report regarding General Approach to Assessing Impact on Light be noted; and
- (2) That the report regarding the General Approach to Assessing Impact on Light be put in the Bulletin.

78. DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT'S FEEDBACK FROM DEVELOPMENT CONTROL MEETINGS

The Panel received a report from Mr J Preston, Director of Planning and Economic Development, regarding Feedback from Development Control meetings.

The Director of Planning and Economic Development had attended several Area Plans Sub-Committees and reported his observations to the Meeting of Chairmen, Vice-Chairman of District Development, Area Plans Committees and Chairman of Planning Services Scrutiny Standing Panel on 10 February 2011.

The following points were raised:

(1) Display of plans, elevation, aerial and other photographs

- (a) PowerPoint slides with clear plans and photographs gave very high quality presentations; and
- (b) It was noted that when speakers were making points, the plan or photograph was displayed on the screen relating to the speaker's point.

(2) Quality of presentations by officers

- (a) All presentations were given professionally. There were only minor points of improvements, for example, the topography of some sites was more complex than stated.

(3) Quality of Reports

For the most part the quality of reports appeared to be pitched at the right level. Areas for improvement included:

- (a) Item had made an agenda for an area sub-committee that should have gone to the District Development Control Committee;
- (b) An item reporting a Certificate of Lawful Development application, should have required that a legal officer be present. In this case the application was deferred for this reason; and

- (c) Not all necessary conditions had made it to the agenda.

(4) Venues

- (a) Whilst there were benefits of having the largest Area Plans Sub-Committee within its local area, there were some logistical issues in getting all the necessary staff and equipment to the venue; and
- (b) It was felt that Councillor name plates were not necessarily clear to the public in attendance. The Chairman could ask each member to introduce themselves at the onset of the meeting.

(5) Consistency

- (a) It was acknowledged that there were different styles from different officers and Chairmen. This could lead to different approaches which may be considered inconsistent or, possibly unfair.

(6) Summarising

- (a) A short summary of the decision made should be done by the Chairman.

(7) “An Old Favourite”

- (a) Cases involving extensions to residential properties within the Metropolitan Green Belt had been a regular feature of Committee deliberation for many years. Such cases produced a regular stream of appeals.

(8) Procedures

- (a) It was felt that the number of declarations of interest given at planning sub-committees was too cumbersome.

RESOLVED:

That the Director of Planning and Economic Development’s Feedback from Development Control Meetings be noted.

79. ANY OTHER BUSINESS

The Chairman requested that an email group should be created for the Members of the Panel for exchanging information etc.

80. DATES OF FUTURE MEETINGS

It was noted that this was the last Panel meeting of the Council year. New dates had been agreed for the next year, these were as follows:

7 June 2011;
30 August
22 November; and
28 February 2012

The Chairman thanked members and officers for their input and work into the Panel over the past year.

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