

**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.