EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF PLANNING SERVICES SCRUTINY STANDING PANEL
HELD ON TUESDAY, 11 DECEMBER 2012
IN COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.35 - 9.55 PM

Members Present:	K Angold-Stephens, A Boyce, G Chambers, Ms H Kane, Mrs C Pond, Mrs P Smith, G Waller and Mrs J H Whitehouse
Other members present:	R Bassett
Apologies for Absence:	J Wyatt, P Keska, K Chana, Mrs R Gadsby, B Sandler and J M Whitehouse
Officers Present	J Preston (Director of Planning and Economic Development), N Richardson (Assistant Director (Development Control)), P Millward (Business Manager), S G Hill (Senior Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

18. CHAIRMAN AND VICE-CHAIRMAN OF THE MEETING

RESOLVED:

That in the absence of the Chairman and Vice-Chairman of the Panel, Councillors A Boyce and Mrs P Smith be appointed as Chairman and Vice-Chairman respectively for the duration of the meeting.

19. SUBSTITUTE MEMBERS

The following substitutions were noted:

(a) Councillor Mrs J Whitehouse for Councillor J Whitehouse;

(b) Councillor G Waller for Councillor K Chana; and

(c) Councillor Mrs P Smith for Councillor P Keska.

20. DECLARATIONS OF INTEREST

Pursuant to the Code of Member Conduct and the Planning Protocol, the Director of Planning and Economic Development, Mr J Preston, declared a non pecuniary interest in the following item of the agenda by virtue of currently removing a car port on the side of his property. Although he opted to stay in the meeting, he advised that the Assistant Director of Planning and Economic Development would present the report on this item.

- CLG Consultation – Extending Permitted Development Rights for Homeowners and Businesses.

21. NOTES FROM THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel held on 7 November 2012 be agreed.

22. TERMS OF REFERENCE

The Panel's Terms of Reference were noted.

23. WORK PROGRAMME

The Work Programme was noted. It was suggested that an extra meeting of the Panel may be required to discuss the changes from S106s to Community Infrastructure Levies. It was also felt that discussion was needed on liaison between Planning and Economic Development and Essex County Council Highways.

24. DEMONSTRATION OF WEBCASTING

The Panel received a webcasting demonstration from the Senior Democratic Services Officer.

He advised the members of how to view the webcast and associated agenda points, captions and slides. The webcasting officers had contact with Public-i during an actual broadcast. It was Public-i who broadcast the webcast to the wider web, meaning there was a 20 second delay when watching the broadcast live.

Webcasting was not currently available on Apple iPad users and portable devices, this was being investigated. Recently links had been placed on more prominently on the "Your Council" section of the Council's website. The Panel were also advised that webcasts were increasing being used as evidence in complaints and planning appeals.

The webcasts were recorded onto disc and were provided to the public on request, but were also available on the website for up to 6 months after the meeting.

Members thanked and congratulated the Senior Democratic Services Officer for his work with webcasting, they also said that the Cabinet should be encouraged to support this resource in the future.

25. CLG CONSULTATION - EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR HOMEOWNERS AND BUSINESSES

The Panel received a report from the Assistant Director of Planning and Economic Development (Development Control) regarding a Communities and Local Government (CLG) Consultation – Extending Permitted Development Rights for Homeowners and Businesses.

The Coalition Government planned making a number of changes to the planning regime to reduce bureaucracy, speed up processes, reduce costs and contribute to driving growth as part of its concerted economic stimulation package. One of these was a proposed change to the permitted development regime, these were a deregulatory tool set by the Government and used a general impacts based approach to grant automatic planning permission for development that complied with limitations and conditions set out in the Town and Country Planning Order 1995. The proposals were announced with the publication in November 2012 of a technical consultation "Extending Permitted Development Rights for Homeowners and

Businesses." A consultation period was running until 24 December 2012 on these proposals.

Reason for Changes

The proposed changes were thought to provide the following benefits:

(a) The large majority of homeowner applications were uncontroversial and almost 90 per cent were approved, in almost all cases at officer level. By cutting out this application process it would reduce costs and delays.

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

(c) Extending further permitted development rights would promote growth, allowing homeowners and businesses to meet their aspirations for improvement.

(d) It would bring extra work for local construction companies and small traders.

(e) The telecommunication changes would contribute towards the Government's ambition for the UK to have the best superfast broadband network in Europe in 2015.

Suggested Response

The most controversial change here, undoubtedly, was the proposed doubling in the length of a single storey rear extension that could 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 would be determined by parliamentary Order without any consultation or negotiations. There was real concern that neighbourly relations were going to become strained where the previous opportunity to comment on a proposal in advance of its implementation were no longer available.

There was a fee for planning applications, which had just increased to £172.00 for a rear extension on a house. This change meant that the vast majority of single storey rear extension 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 was half that of a planning application.

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?

Response: No

Comments

Most planning applications rarely proposed rear extensions at 6-8 metres deep, where they had been submitted at this depth, they normally caused harm to adjoining neighbours' amenity and were refused permission. Planning processes were there for fairness and impartiality, allowing deeper extensions without the need for permission would result in excessive loss of light and outlook to windows serving rooms to the neighbouring house. It was felt that the consultation had under

estimated the harm caused to the amenities of occupants of adjoining residential properties.

The benefits of extra work for local construction companies and small traders would be limited, as there were other factors that decided whether an extension went ahead or not, such as having the means and finance to build. The savings made from not paying a planning application fee was a small percentage of the overall cost of building and furnishing an extension. In most cases, a professional plan was still required and paid for regarding building regulations. Any small benefit did not outweigh the undue harm that extensions of this size would 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 project halfway down the garden of both this and the neighbours. It appeared that the consultation had a pre-conceived view that houses sat on wide plots which in many cases they did not. Some detached and semi-detached houses were sited in close proximity to each other, also on narrow plots the rear of a terrased 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 serving the rear of their house.

Without the need for planning permission, increasing the depth of extensions from 3 and 4 metres to 6 and 8 metres also required a greater clearance from the side boundaries of the site or indeed a further restriction on the height, particularly on sloping roofs which were not planed as changes as part of this proposal. In areas of sloping lands or hillsides, the level changes could be considerable, and any compensatory measures to account for the increase in depth would not overcome the harm to the amenities of neighbouring houses. Trees in rear gardens on both the development site and the neighbour's side would also come under greater threat of removal by bringing the rear wall of a dwelling closer. This would also increase the threat of removal of TPO trees for insurance reasons.

In design terms, the extension at these depths could be as deep as the house, appearing out of proportion. The long flat roof was likely to be the most typical way of building this without permission and could conflict with initiatives to design out crime. There was a danger that a sea of long flat roofs would over dominate and be harmful to the appearance of the neighbourhood.

In 2008 greater controls were introduced safeguarding the total paving over of front gardens to prevent increased surface water run off. Larger extensions would reduce the area for natural drainage of surface water and increase the surface water run off in rear gardens and into neighbouring properties. This would conflict with the recent consultation on Suistainable Urban Drainage Systems. The doubling of the depth of the rear extension was going to result in a tunnel type effect for the householder not able to afford extending at the rear and therefore leaving a poor outcome for the amenity of the immediate neighbor. This would do little for localism as the neighbour would not be able to object and this would result in a deterioration of neighbour relations. Although 90% of homeowner extensions were approved this was because most submissions were sensible depth extensions, not the suggested new depths here, knowing that deeper extensions generally caused amenity harm and therefore would not gain planning permission.

It was felt that these proposals made nonsense of refused extension decisions by planning authorities and dismissed appeals over the years, which had been made in the interest of safeguarding neighbouring residential amenity.

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?

Response: No

Comments

It was only in the case where a planning condition on planning permission requiring the retention of a garage for such a purpose that a garage needed planning permission for conversion to a room for family use. Altering permitted development rights would not change this. The District Council rarely used this condition unless there was a particular need. Clearer permitted development advice on what the criteria for residential annex use was would be needed.

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 100m squared, provided that this does not increase the gross floor space of the original building by more than 50%?

Response: No

Comments

This could encourage local parade and village shops to compete with the market and provide a supporting facility to the local catchment area, therefore this could be support for a change in the permitted development criteria. However shop extensions could be in residential areas resulting in excessive loss of light or outlook from windows serving main rooms. Increased floor area could displace off-street parking and deliveries into congested roads as well as limiting where refuse bins could be stored.

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?

Response: Yes

Comments

There were two parts to this question. If no residential property was adjacent, then building up to the property boundary was likely to be acceptable. However, building a deep extension next to a residential property, and leaving the suggested gap of only 2 metres could still potentially harm a neighbours light and/or outlook. Further concessions were also required, for example, by restricting the roof eaves level to 3 metres. So as currently proposed, the answer to this question was “No”.

“Residential” also needed clarifying, i.e. did it mean only residential use on the ground floor requiring a 2 metre gap. What about if there were 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 100 square metres, provided that this does not increase the gross floor space of the original building by more than 50%?

Response: No

Comments

In some cases offices were adjacent to an affected residential use resulting in undue loss of amenity. Parking, servicing, deliveries and refuse could 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. Therefore some of the same concerns in response to question 4 were repeated here.

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

Response: No

Comments

Such uses were very rare adjacent to residential uses. Generally though, these were large sites and surface parking and serving areas would remain. However, in Green Belt areas this could result in significant built development, harmful to its openness. Allowing additional new buildings of this size where change of use from farm to business or storage had been allowed, could have an excessive visual impact on the area. Allowing such expansion in unsustainable locations was contrary to national guidance and did not make sense.

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

Response: No

Comments

It was difficult to understand how development for 3 years was accepted as permitted development, but not afterwards. The impact on neighbours amenity would not change and would still result in the same harmful impact. There was a lack of fairness if one neighbour could build a deep extension without needing planning permission compared with another wishing to build the same thing 3 years later, but needing planning permission. Also, once the 3 years was up, there was real concern that an unwanted precedent of 6 and 8 metres had been set in some areas which would make it difficult to resist future similar depth planning applications. This would only result in an unfair system.

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?

Response: No

Comments

This implied that an extension not being built in time, would be unlawful and require removal. With this uncertainty, lenders would be cautious about loaning funds and whether extension work came forward or not would depend more on cost than ease of building under permitted development rights.

If the temporary relaxations were implemented, a formal way of recording which developments had been completed was needed. Would the planning authority actually receive many completion notifications because council's had concerns how this would be monitored. Enforcement resourcing was likely to become strained and require increased cost of resourcing as officer time was taken up with gaining evidence and chasing up completions.

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?

Response: Yes

Comments

The character of a conservation area may not be affected by the depth of single storey rear extensions, but there would be cases where they would be visible from public areas and therefore would cause visual harm. Industrial buildings, 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 could 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?

Response: No

Comments

Such equipment was visible in conservation areas and may detrimentally harm the character of that area. This therefore should remain for assessment at the present situation. Also, the 5 year relaxation was not understood, given the other suggested permitted development changes were for 3 years. There was a lack of consistency here.

RECOMMENDED:

That the responses to the CLG Consultation Extending Permitted Development Rights for Homeowners and Businesses be submitted to the CLG.

26. EXTENDING THE RANGE OF PRE-PLANNING APPLICATION CHARGING

The Panel received a report from the Assistant Director of Planning and Economic Development regarding Extending the Range of Pre-Planning Application Charging.

The Local Government Act 2003 allowed local authorities to charge customers for holding discussions prior to the submission of planning applications.

Originally all services offered in connection with development control 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. Fee generating applications made up only half the overall costs of development control. The fees were compulsory and set nationally. They had just increased by 15%, few issues of non payment had arisen. The Council's fee income was estimated to be £550,000 in this financial year.

The charging for pre-application discussions could produce a further income stream for the Council. Pre-application discussions had always been encouraged by the Council and a charging scheme could have the benefit of dissuading some ill conceived proposals, highlighting the cost of officer time in the process and re-couping some of this cost.

It was advised that most Essex authorities and London boroughs Redbridge, Havering and Waltham Forest made changes.

Officers currently had a scheme of charging on major planning applications and used 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 square metres of commercial floorspace or a commercial scheme on a site of 1 hectare or more. A flat charge of £1,500 was charged. This was higher than many of the other Essex authorities, but for 2012-13, the income we had received on pre-application advice on major applications was at £19,500. Admittedly, this was higher than previous years and the proposed expansion to include other categories would only a contribution to the full costs and so followed the spirit of the existing charging regime but was considered proportionate to the fee that had to be submitted ultimately to accompany the application.

Consultation with agents who regularly submitted applications both in this district and elsewhere had previously emphasised that charging for smaller schemes, particularly for householder applications, gave 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 had worked reasonably well over the last 5 years, bringing in a total of about £60.000.

Not all inquiries would attract a fee, it was also suggested that free advice would continue to be provided only for advice prior to an application for:

(a) Alterations or extensions to single dwellings and other householder applications;

(b) Works to a listed building or works of demolition within a Conservation Area;

(c) Works to trees covered by Tree Preservation Orders or located on Conservation Areas;

(d) Advice to establish whether planning permission was required; and
(e) Advice to Parish Councils, community groups and other local authorities.

Telephone and some written advice would continue to be provided free of charge but members requested that the following be recommended to the Overview and Scrutiny Committee:

(i) Minor developments involving 1 unit and up to 100 square metres should be charged at £250.00;

(ii) 2 to 9 units from 100 to 900 square metres should be charged at £700.00;

(iii) 10 to 99 units from 1,000 to 9,999 square metres should be charged at £1,500; and

(iv) 100 plus units from 10,000 square metres should be charged at £3,000.

Officers decided whether a meeting was necessary, if further meetings were sought than a further fee would be levied at these rates. These fees would cover administration costs and officer's time for research, assessment, a meeting as necessary and a written response.

RECOMMENDED:

(1) That the following recommendations regarding Extending the Range of Pre-Planning Application Charging be made to the Overview and Scrutiny Committee:

(a) Major developments (creation of 100 and over new residential units, creation of commercial development or changes of use of 10,000 square metres and over) = £3,000 plus VAT;

(b) Major developments (creation of 10-99 new residential units, creation of commercial development or changes of use between 1,000-9,999 square metres) = £1,500 plus VAT;

(c) Minor developments (creation of 2-9 new residential units, creation of commercial development or changes of use between 100-999 square metres) = £700.00 plus VAT; and

(d) Minor developments (creation of 1 new or replacement residential unit, creation of commercial development or changes of use up to 100 square metres) = £250.00 plus VAT.

27. PRELIMINARY REPORT ON WORK PROGRAMME 2013-14

The Panel received a report from the Planning and Economic Development Business Manager, regarding the Panel's Work Programme.

Five documents were submitted that would from elements of the Business Plan 2013-14, they were:

(a) Section Three:Directorate Summary Section 3 (B) Business Review;

(b) Appendix One – Business and Environmental Review Analysis Business Plan 2013-14;

(c) 3(d) Electronic Records Document Management System;

(d) Draft Appendix Two – Electronic Records Management Progress Plan 2013-14; and

(e) Section Four: Corporate Objectives and Priorities.

The Business Manager advised that the directorate was trying to create a post from existing resources to manage electronic systems and records, as the trainee ICT technical officer post was coming to an end in May 2013. He gave an example of how the technical development in the use of crystal reporting had helped to implement better business procedures that supported faster ways of working as well as improving efforts to reduce paper usage.

RESOLVED:

That the following updated sections of the Panel's Work Programme be noted:

(1) Draft Business Review – Section 3b, Business Plan 2013-14.

(2) Proposed Business and Environmental Review – Appendix One Business Plan 2013-14.

(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 2013-14.

(4) Draft Directorate Value for Money Statement – Section 4(c) Business Plan 2013-14.

28. RECENT MEETING OF THE CHAIRMAN AND VICE CHAIRMAN OF THE AREA AND DISTRICT DEVELOPMENT CONTROL COMMITTEE

The notes of the Development Control Chairmen and Vice Chairmen's Meeting from 11 September 2012 were submitted to the Panel for consideration.

(a) Item 10 Any Other Business (3) Councillor Mrs P Smith requested that if there was a change in the Planning Officer presenting at an Area Planning Sub-Committee, the Chairman should be notified beforehand.

(b) Probity in Planning Reports

It had been suggested that the Probity in Planning reports should be discussed at the end of the Area Plans Sub-Committees, and treated as a training session. However it was advised that recently, particularly Area Plans East Su-Committee, had discussed at least ten reports, meaning the meetings had extended beyond 10.00p.m. It was often the case that following the Development Control items members sometimes were inclined to note the report rather than discuss it. The Director of Planning and Economic Development suggested that the Portfolio Holder for Planning and himself could meet and undertake a lessons learnt session.

RESOLVED:

That the notes from the Development Control Chairmen and Vice Chairmen's Meeting from 11 September 2012 be noted.

29. ANY OTHER BUSINESS

The Assistant Director of Planning and Economic Development advised that Government was concerned about non-planning matters being raised in planning sub-committees.

30. DATES OF FUTURE MEETINGS

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

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