

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF PLANNING SERVICES SCRUTINY STANDING PANEL
HELD ON TUESDAY, 10 SEPTEMBER 2013
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 9.15 PM**

Members Present: J Wyatt (Chairman), G Chambers (Vice-Chairman), K Angold-Stephens, A Boyce (Vice Chairman of Council), K Chana, J Hart, Mrs P Smith, Mrs T Thomas and J M Whitehouse

Other members present:

Apologies for Absence: P Keska and D Wixley

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

11. APOLOGIES FOR ABSENCE

In addition to the apologies noted above, it was advised that the Planning Portfolio Holder, Councillor R Bassett, had sent his apologies for attendance at this meeting.

12. SUBSTITUTE MEMBERS

It was noted that Councillors K Angold-Stephens and Mrs P Smith were substituting for Councillors P Keska and D Wixley respectively.

13. DECLARATIONS OF INTEREST

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

14. NOTES FROM THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel held on 18 June 2013 be agreed.

15. TERMS OF REFERENCE

The Terms of Reference were noted.

16. WORK PROGRAMME

The Panel reviewed its Work Programme.

(a) Item 3 Local Plan

There was a Local Plan Workshop on 5 October 2013, an officer working group involved in Gypsy and Traveller Assessments were expecting a draft report shortly would be submitted to the Local Plan Cabinet Committee in due course.

The Panel were advised that the Assistant Director of Planning and Economic Development (Policy and Conservation) had recently given birth to a baby daughter. The Panel passed on their congratulations.

17. PROGRESS REPORT ON ELECTRONIC RECORDS DOCUMENT MANAGEMENT SYSTEMS PLANNING AND BUILDING CONTROL SERVICES

The Panel received a report from the Planning and Economic Directorate Business Manager regarding Progress on Electronic Records Document Management Systems Planning and Building Control Services.

The placement of electronic planning information online mainly via the District Council's website and iPlan was an integral element of the directorate's strategy in promoting the availability and transparency of planning records which could save considerable time and journeys to the Council's Civic Offices to view plans and records. There was still much work to complete and the biggest challenge was providing the foundations where officers would be able to move into providing the full range of paperless Planning and Building Control services.

There were nine separate phases of actions required for Electronic Document Records Management Systems (EDRMS) development and a summary of each was as follows:

Phase 1 Enhancements to the Local Land and Property Gazetteer for Address Management Improvement. In June 2013 the Council was advised by GeoPlace LLP, the Government appointed agency for overall National Land and Property Gazetteer Improvement, that the District Council was the most improved authority in England and Wales.

Phases 2 and 3 These were both linked to better use of ICT systems across the directorate to achieve improved business processes and back office i-Plan operations. The directorate had for the last twelve months been adopting an integrated approach for both these items to achieve joined up benefits in their use of all ICT systems within Planning. This approach assisted in developing a new look Enforcement Weekly List, improvements to performance monitoring for Building Control and Trees/Landscape, as well as improving the quality of plans on the website. Officers aimed to provide "read only" access to information@work for Councillors and Parish/Town Council clerks, so they could access better quality plans and documents.

Phase 4 Further steps would be taken to facilitate easy access to making payments for all types of Planning and Building Control Services.

Phase 5 Improvements in the quality of planning information provided as part of the i-Plan development. Officers had achieved some success in seeking and receiving feedback through the Parish Councils i-Plan User Group, by encouraging visits to Planning by Parish/Town Councils establishing better two way communications regarding the use of i-Plan and the District Council website. It was advised that 40% of planning applications were received electronically and although this allowed easy transfer to planning databases, it generated extra costs as they required printing for the benefit of Parish and Town Councils. Members asked for an

item regarding planning officers attending Parish and Town Council planning meetings to be placed on the forthcoming Local Council's Liaison Committee in November 2013.

Phases 6, 7 and 8 referred to the steps taken to transform our paper and microfiche records into electronic format. An element of this was making the information more readily available for all members of staff to access from any PC whether in fixed or flexible office environment. Over 10 million images had already been placed on information@work, and the intention was to progressively make more historical information available electronically.

Phase 9 concerned taking the ERDMS a step further forward to support flexible and mobile working. It was hoped to prepare the directorate to adopt flexible ways of working and over time, reduce dependency on paper plans and documents.

Members thanked the directorate for their work in making enhancements to the Local Land and Property Gazetteer for Address Management Improvement (as indicated earlier under Phase 1).

RESOLVED:

- (1) That the Progress Report on Electronic Records Document Management Systems Planning and Building Control Services be noted; and
- (2) That a report be submitted to the Local Council's Liaison Committee in November 2013, regarding Planning and Economic Development officer support for Parish and Town Council Planning meetings.

18. BRENTWOOD BOROUGH LOCAL PLAN PREFERRED OPTIONS CONSULTATION

The Panel received a report from the Forward Planning Manager regarding the Brentwood Borough Local Plan Preferred Options Consultation.

The Preferred Options consultation ran from 24 July to 2 October. Brentwood Council intended to submit its Local Plan early in 2014 for examination in public with a view to adoption before the end of 2014. The plan would cover the period 2015 to 2030.

The Preferred Options Plan included eleven strategic objectives, the main intentions were to:

- (1) Direct new development to the existing urban areas of Brentwood, Shenfield and West Horndon;
- (2) Ensure growth was capable of being accommodated by existing or proposed infrastructure, services and facilities; and
- (3) Safeguard the Green Belt and protect and enhance valuable landscapes and the natural and historic environment.

At the end of July Brentwood Borough Council held a "Duty to Co-Operate Workshop", which included an initial presentation of the Preferred Options consultation. The workshop was attended by members and officers from Basildon, Chelmsford, Epping Forest, Thurrock and Havering councils.

The key issues for the District Council were:

- (a) Provision for housing in the light of objectively assessed needs in Brentwood Borough;
- (b) Provision for the travelling community;
- (c) Provision for employment growth; and
- (d) Implications of Crossrail.

Provision for Housing

Paragraphs 14 and 47 of the National Planning Policy Framework stated that Local Plans should meet the full objectively assessed needs for market and affordable housing unless adverse impacts would significantly and demonstrably outweigh the benefits. Work undertaken by consultants identified the objectively assessed housing as 5,600 dwellings in the period 2015 to 2030. The Preferred Options document made provision for only 3,500 new houses over that period. Brentwood Council considered that provision above this level would:

- (i) Significantly worsen existing traffic congestion problems;
- (ii) Required sites to be developed in landscape sensitive locations;
- (iii) Difficult to service with necessary infrastructure; and
- (iv) Had a generally urbanising effect through widespread loss of Green Belt, affecting the identify and setting of Brentwood Town and neighbouring settlements, and the borough's rural character.

Brentwood officers also considered that the existing transport infrastructure deficit, particularly congestion around Junction 28 of the M25 and the special landscape designation in the north of the borough represented severe constraints on accommodating objectively assessed needs.

Officers attending the workshop from other authorities, advised that proposing significantly less housing than the objectively assessed figure, placed the Borough Council in a weak position for Examination in Public.

Provision for the Travelling Community

Authorised sites within the Borough currently provided for about 30 pitches, only 10 of which have permanent permission. Brentwood identified a need for an additional 24 permanent pitches up to 2021, and a further 10 up to 2030. The approach proposed was to allocate permanently a number of existing temporary sites (20 pitches) and then guide future provision through identifying a broad location (West Horndon) to be planned in an integrated way as part of a mixed use development. This could total 14 pitches. The areas where pitches currently existed were often quite isolated in terms of access to local services and facilities and nine pitches were quite close to the boundary with the district. It would be appropriate for Brentwood and this Council to monitor provision in this part of the Green Belt.

Provision for Employment Growth

In contrast to the provision made for housing, Brentwood had opted for the highest option for jobs growth (5,400 jobs in 15 years), compared with the figures of 3,700 and 4,800 jobs from the draft Regional Spatial Strategy (RSS) and a dwelling constrained projection. There was an error under Policy S3 (Job Growth and Employment Land) in the consultation document was an error which list an annual average new job provision figure of 285 (to reach the 5,400 target by 2030). This would result in only 4,275 new jobs over 15 years, the annual rate needed increasing to 360.

The total amount of additional employment land needed was estimated to be 22.35 ha. The Preferred Options document actually suggested a provision of 31 ha, nearly 9 ha larger than the estimated need, and this was based on the potential capacity increase of the M25 works site at Junction 29.

The Implications of Crossrail 1

The plan was circumspect about the potential economic and other benefits of this major infrastructure project. In the absence of more detailed information, and given the significant shortfall in housing provision compared with its objectively assessed needs, the plan would benefit from a more detailed analysis of the potential outcomes of this significant new rail link.

RESOLVED:

That the following comments are sent to Brentwood Borough Council as a response to its Local Plan Preferred Options Consultation:

- (1) That Epping Forest District Council is not convinced that Brentwood Council has adequately justified its position that it is unable to make full provision for its objectively assessed housing needs, at the very least, it should undertake a comprehensive Green Belt boundary review and identify and assess potential mitigation measures;
- (2) That the Preferred Options document makes no reference to joint working as encouraged by paragraph 179 of the National Planning Policy Framework. Consequently there is no indication of how Brentwood intends to try to make provision for the outstanding number (2,100) of new dwellings outside the Borough boundary;
- (3) That this approach, outlined above, may lead to the Local Plan being challenged on soundness grounds, as it has not been "positively prepared" in accordance with paragraph 182 of the National Planning Policy Framework;
- (4) That Epping Forest District Council is not in a position to make any provision for Brentwood's unmet housing needs, because of a lack of justification in the following:
 - (a) The need to meet its own objectively assessed housing figure;
 - (b) Significant environmental and infrastructure constraints; and
 - (c) Because of the different market area, the District Council is not able to make any provision for Brentwood's unmet housing needs.
- (5) That provision for the travelling community in the Navestock/Stapleford Abbots area should be jointly monitored, taking account the relative isolation of the area from local services and facilities;
- (6) That further provision in the West Horndon area, as part of a mixed-use development be noted;
- (7) That the proposed jobs growth figure is 5,400 between 2015 and 2030 and that the stated annual growth of 285 would not reach the target, the correct figure being 360 be noted;

- (8) That the allocation of an additional 31ha as employment land including a substantial site at Junction 28 of the M25 be noted;
- (9) That the submission version of the Plan should contain a more detailed analysis of the implications of Crossrail 1, including the prospects for housing provision on any sites that may become available for redevelopment;
- (10) That the procedure agreed at the Overview and Scrutiny Committee on 24 January 2011 (minute item 70) be used to ensure that the Panel's recommendations meet the consultation deadline.

19. REVISED PLANNING APPLICATION VALIDATION CHECKLIST

The Panel received a report from the Assistant Director of Planning and Economic Development (Development Control) regarding Revised Planning Application Validation Checklist.

Before officers began assessing a planning application, the application was checked for validity. To make a valid planning application there were national statutory and local information requirements which applied to each application type, these were commonly known as the National and Local Lists of Validation Requirements or Checklists. National requirements applied to all planning applications in England, with local requirements set by each local planning authority having regard to local policies and constraints that were relied upon for a successful determination.

The Council had a current validation checklist, drawn up in 2009. The Department for Communities and Local Government currently recommended that Local Planning Authorities regularly review their own Validation Requirements every two years for them to remain valid. The Council's current validation checklist needed updating for it to remain relevant. The main changes to the document were:

- (a) One merged national and local list for easier reference. The format aimed at creating a more concise and less onerous process.
- (b) We would provide more detailed information and links to the relevant policies and guidance that applied to the requested document.
- (c) Some terminology had been revised making it clear when certain plans and information were required.
- (d) Making clear the requirements for written dimensions in some cases on plans for proposed extensions or new buildings.

RECOMMENDED:

- (1) That the draft Revised Planning Application Validation Checklist be agreed;
- (2) That the national and local checklist be merged;
- (3) That the draft revised checklist be displayed for consultation purposes on the Council's website for 21 days;
- (4) That following closure of the consultation, all comments be considered and the draft revised Validation Requirements List be amended as necessary by the Assistant Director (Development Control) in consultation with the Planning and Economic Development Portfolio Holder;

- (5) That the final version of the Epping Forest District Council validation Requirements be used for registration purposes by planning officers and for publication on the Council's website as part of the information required for submitting a planning application; and
- (6) That the checklist be reviewed regularly, and that any minor amendments necessary in Government guidance or Council guidance and policy, shall be made without undertaking full consultation or member approval.

20. LOCAL ENFORCEMENT PLAN

The Panel received the draft Local Enforcement Plan (LEP) from the Assistant Director of Planning and Economic Development (Development Control).

The Government had introduced, as part of the new localism agenda, the National Planning Policy Framework. Section 207 of the Framework stated that "planning authorities should consider publishing a local enforcement plan to manage enforcement proactively" and they should set out how they would "monitor the implementation of planning permissions, investigate alleged cases of unauthorised development."

Whilst the production of an LEP was not compulsory, it was recognised as an action target in the Planning and Economic Development Plan 2013-14. The adoption of such an LEP helped safeguard against enforcement actions being open to challenge from parties enforced against on the basis that the Council had not formally adopted such a plan. Although planning enforcement was a discretionary power of the Council, the LEP stated the authority's vision of readiness in taking effective action when justified. The Plan set out the principles of good enforcement and investigation, explaining what would and would not be investigated. The Plan set out the priorities for responses to complaints and clarified the timescales for response by officers.

The Planning Enforcement Team received a high number of allegations of breaches of planning control, it was impossible to investigate all of these allegations with equal priority. Resources were limited, therefore the LEP made clear what breaches were and the prioritisation involved.

The powers involved in taking formal enforcement action were detailed below:

(a) Enforcement Notice

This was the method of remedying unauthorised development, with a right of appeal against the notice. Failure to comply was a criminal offence.

(b) Breach of Condition Notice

The notice could be used where planning permission conditions were not complied with.

(c) Stop Notice

The notice could be used in conjunction with an enforcement notice where the planning control breach was causing irreparable and immediate significant harm.

(d) Temporary Stop Notice

These took immediate effect from the moment of issue and lasted up to 28 days.

(e) Section 215 Notice

This notice could be used in relation to untidy land or buildings when the condition of the land, or buildings, adversely affected the amenity of an area.

(f) Direct Action

The Council could enter land and take necessary action to secure compliance when enforcement notices were in effect.

(g) Injunction

This involved seeking an order from the court preventing an activity or operation taking place.

RECOMMENDED:

That the draft Local Enforcement Plan be endorsed and recommended to the District Development Control Committee.

21. ANY OTHER BUSINESS

There was no other business for consideration.

22. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Chairman would make a verbal report to the forthcoming meeting of the Overview and Scrutiny Committee.

23. DATES OF FUTURE MEETINGS

The next meeting of the Panel would be on Tuesday 10 December 2013 at 7.30p.m. in Committee Room 1.