

Essex Development Management Forum

MINUTES

DATE: 12th July 2013

TIME: 10 am

VENUE: Chelmsford Museum, Oaklands Park

Attendance List:

Keith Holmes	Chelmsford
Kim Fisher	Castle Point
Andrew Tyrell	Colchester
Nigel Richardson (Chair)	Epping Forest
Dominic Duffin (minutes)	Epping Forest
Mark Lawrence	Essex CC
Chris Purvis	Maldon
Charlotte Allen	Brentwood
Stuart Spears	Basildon
Tessa Lambert	Braintree
Heather Wells	Colchester(work experience)
Karen Denmark	Uttlesford
David Gill	Basildon
John Whitlock	Rochford
Paul Sallin (ECC)	
Peter Dawson (ECC)	

1. Apologies for Absence

Caroline McCaffrey
Richard Greaves
Phil McIntosh
Elizabeth Fitzgerald
Nigel Brown

2. Minutes

Action

The minutes of the meeting held on 19th April 2013 at Chelmsford Museum, Oaklands Park was agreed as an accurate record.

3. Matters Arising

Noted.

Items for Discussion

4. Urban Design Appraisal Service Presentation

PowerPoint presentation by Paul Sallin and Peter Dawson from Plan Services at Essex CC re: their urban design support and assessment, urban design appraisal, among other speciality areas they currently provide to local authorities including 7 Essex authorities. Examples of the service includes Development Management advice, Town Centre Regeneration Schemes, Masterplans and Site Appraisals. Also promoted the use of Panel Design Reviews particularly for schemes of 100+ dwellings but also on most schemes of 10-100 units. Training is also provided by the service for Officers and Members. Those authorities interested should contact Plan Services, who have a ready prepared template pay-as-you-go contract which has been used by Tendring and Braintree. They would be happy to send a copy for approval. At present Rochford, Castle Point, Harlow and Brentwood prefer an annual fixed contract SLA, although an SLA per project is possible. They would welcome feedback on the presentation.

Plan Services to pass on details of presentation (attached to minutes)

5. Prior Approvals – Issues of Interest

Epping Forest are hand delivering letters to ensure neighbours receive notice. If no objections from neighbours after 21 days, then are issuing prior approval following day.

Chelmsford has brought parish council's up to date on this issue. Other Council's present have instead relied on providing advice through their own website.

On receipt of prior approvals, Epping Forest and Colchester are firstly checking to see if rear extension would be PD against rest of Part A of the GPDO. Also, if PD rights have been removed. If not, are informing applicant whether or not wish to proceed with application. Castle Point are looking just at the prior approval part ea and only confirm compliance with rest of Part A if they submit a Cert. of Lawful Development application.

There was varying opinions expressed as to whether the process involved informing adjoining landowners of open land. Site notice and/or Land Registry search had been suggested. It was considered though that this seemed unnecessary if there were obviously no amenity issues for a neighbour.

Chelmsford had confirmation that S106 contributions could be requested in certain instances such as office to residential (to make the development acceptable in planning terms).

Epping Forest has received queries with regards to the conversion of offices at business parks. The view was expressed that some councils would not consider offices above a shop as qualifying, as the prior approval changes refer to "a building" as opposed to part of a building. (Tessa Lambert has since confirmed that at S.1(1)(a) of the 1995 Order defines 'building' as "... includes any part of a building, as defined in this article", therefore given the GPDO 2013 is an amendment to the Town and Country Planning (General Permitted Development) Order 1995, part of a building could therefore qualify).

Some councils have been querying the red line plan of some applications to ensure they are drawn tight around a building, such as with office to residential changes not including the curtilage or parking areas. None of the represented authorities were currently charging a fee for prior approval applications.

No one was considering use of Article 4 Directions.

It was agreed that this remained an item for the next meeting to monitor progress.

6. Streamlining the Planning Process

It was noted that as a result, there would be a need to update local validation checklists. From 25 June, only major developments, some applications in designated areas and listed building consents will require Design and Access Statements. Also, information a local authority requires must be “genuinely necessary” and material to the application. Colchester and Braintree had updated their local validation list. Other Council’s were urged to do the same.

Otherwise, to address changes to the Design and Access Statements procedure and when they are required.

7. Planning Performance

The Government’s “special measures” regime for under-performing authorities will be designated by the end of October 2013. None of the Essex authorities appear to be immediately concerned as not under 30% threshold for Major applications. However, the Government will look at designation annually. The detailed approach will be set out in yet-to-be published regulations and procedural guidance. It was agreed the main concern with hitting 13 week Government targets was ensuring S106 Agreements were signed within good time. Concern again expressed over delay in signing if an agreement involves Essex legal section. Some authorities were no longer liaising with Essex CC because of this.

Chelmsford and Braintree stated they were not aware of the new legislation that has introduced the right for developers to apply to the local planning authority to modify affordable housing requirements set out in section 106 agreements, where the requirements have made the development economically unviable. There is only a 28 day window and that they had changed their delegated powers to deal with these at officer level. Epping would send details to all.

**Nigel
Richardson**

8. Interesting Appeals

Epping Forest circulated an interesting allowed appeal in relation to an infill development in the Green Belt and how the lack of a local policy covering the issue resulted in the appeal being allowed. It was requested that a copy of the site plan be sent with the minutes.

Basildon had a case where infill had been dismissed on appeal (copy attached together with site plan). In dismissing the appeal the Inspector had consider the relative new guidance contained in the NPPF relating to infilling on plots in villages within the Green Belt, and whilst in this case he did not considered Bowers Gifford/North Benfleet to be a village in the normal sense, so, as a result, the proposal was still considered inappropriate development within this Green Belt location. It was therefore implicit that if the site had been in a village, that he may have made a different decision.

It was noted that the Secretary of State had issued recent guidance stating that “need” was not necessarily a special circumstance to overcome Green Belt harm and in most cases the Green Belt argument should carry greater weight.

On this previous note, an interesting appeal in Castle Point was discussed relating to housing need. The Planning Inspectorate had granted consent on lack of a five year housing supply but the application was called in by the Secretary of State and dismissed despite the “severe lack” of housing land in the district. (Case referred to in 12 July 2013 edition of Planning – page 08)

Colchester DC described a recent appeal where the Inspector found that an unlisted building, which was not locally listed either, was a heritage asset and dismissed the appeal as the building was considered “worthy of preservation”. An inspector in respect of another appeal in the district found that shelving was housing a collection of stuffed birds and therefore was an integral part of a listed building and the loss of the shelves was a reason to dismiss the appeal.

9. EPOA - Minutes of the June meeting were noted.

10. Enforcement Liaison Group - No further update, in absence of Nigel Brown

11. Essex Planning Administration Officers Forum - The May meeting was cancelled due to illness. A further meeting is scheduled for the end of the year. It was enquired whether technical officers rather than necessarily admin staff could attend this forum meeting. It was agreed that this could be beneficial on matters such as prior approval procedures, validation requirements etc, particularly for an authority who have generic admin staff.

12. Any other business

Colchester DC stated that they have been requesting mitigation measures for bees as part of landscaping proposals/schemes in response to the national fall in their numbers.

13. Items for next agenda

S106 with Essex County Council
Experiences with Prior Approval applications.

14. Date, time and venue of next meeting

Friday 11th October 2013

At Chelmsford Museum, Oaklands Park, 10am



