

Essex Development Management Forum

Date: 2 May 2014

Time: 10am

*Venue: Chelmsford Museum,
Oaklands Park*

Attendance List:

Nigel Richardson (Chair)	Epping Forest District Council
Jenny Cordell (Minutes)	Epping Forest District Council
Richard Greaves	Essex County Council
Shelly Bailey	Essex County Council
Sarah Hill-Saunders	Chelmsford Borough Council
John Whitlock	Rochford District Council
Tessa Lambert	Braintree District Council
Andrew Tyrrell	Colchester Borough Council
Derek Walker	Tendring District Council
Stuart Spears	Basildon District Council
Jonathan Keen	Thurrock Borough Council
Kim Fisher	Castle Point Borough Council
Karen Denmark	Uttlesford District Council
Mark Lawrence	ECC Highways

Guest speakers:

Roy Warren	Sport England
Clare Cleary	Place Services at Essex County Council
Jonathan Banks	Ixia Public Art Think Tank
Ian Frost	ECC Rural Broadband
Andrew Hunter	Environment Agency

1. Apologies for Absence

David Lewis – Basildon DC

Caroline McCaffrey – Brentwood

Elizabeth Fitzgerald – Harlow

Phillip Rowson - Maldon

2. Minutes

The minutes of the meeting held on 17th January 2014 were agreed as accurate. NR recalled a need to ask Peter Geall ECC to attend and was yet to do so.

3. Matters arising

Richard Greaves provided a Fracking update. There is no prospect of Shale Gas deposits in Essex.

ITEMS FOR DISCUSSION

4. Securing Community Use of Sports Facilities on School Sites through Development Management (Roy Warren – Sport England).

RW provided a presentation and will circulate relevant slides for reference following the meeting. Including a model condition frequently used. Following the presentation the following queries were raised:

JW: Where a school is provided as part of a larger development application, there is no governing body yet, how should agreement be secured? In this instance best sorted when there is a governing body in place, potentially agreement could be delayed to REM application or as far down the process as possible when governing body is in place, alternately original arrangement is with LEA.

NR: EFDC has a special needs school application where access may not be appropriate. Noted.

RG: Concerned about the enforceability of a condition that requires third party agreement. Agreed if caught early at preapp, CUA can be accommodated, new conditions circular may provide some ability for a CUA in exceptional circumstances, but not for general use. Also individual merits of scheme may mean its not appropriate to secure CUA so may result in referral to SoS. In these instances Sport England would prefer to work with Officers to find solutions to issues as oppose to a referral. Communication and negotiation necessary.

Underlying message that where possible, there is a strong preference for Sport England to negotiate a way forward instead of using a SoS referral.

5. Development and Implementation of Public Art (Jonathan Banks – IXIA)

Following a presentation on cultural wellbeing and the need (undefined) set out in the NPPF, discussions focussed on how public art could be provided. There is a clear need for policy that sets out where, when, how and why public art will be delivered on and off site. This policy should be linked to aspirations and can be provided on site, or via S106 or via CiL. Need to support policy and aspirations with a strategy for public art and programme for works.

TL suggested that there is a lack of skills to identify where public art is needed and that public engagement and engagement of the skills is often more costly than the work itself. Any solutions? IXIA noted the difficulties but suggested it was important to seek cultural input. Possibly Clare and Place can assist, or an arts officer.

6. Superfast Essex Broadband Programme (Ian Frost – ECC Contract Manager for Infrastructure)

BT rollout is no longer self-funding it is using public money now and going live (phase 1) on 1st June 2014. Prior Approval only required in Conservation Areas. Series of promotional flyers and adverts, colour and black and white versions. BT are trying to push out quickly with schemes, request to determine applications quickly.

AT please exhibit best practice with location of cabinets, pushed back from highway at junctions instead of immediately next to pavement. Also stickers on cabinets require advert consent and discussion with ALL concluded applications should be made or stickers revised.

7. Improving Liaison between Environment Agency and LPA's (Andrew Hunter EA)

Targeted feedback being sought from LPA's in near future to try to further improve service. EA are aware of responses becoming longer and technical more recently and will be trying to streamline this by using appendices. A survey will be circulated. Responses from those receiving the advice would be much appreciated.

8. Prior Approvals – Experience so far... and

9. Prior Approvals - Changes for Discussion

AT – Office PN's – some have been found to have been mixed uses therefore not permitted.

NR – Seen Appeal about Office PN's – will circulate.

SHS – Loss of shops to banks is altering demographic of High Street

TL – Town Centre retail loss to resi not a concern but local facilities are more vulnerable. Have also an appeal decision re: Prior approval from offices to residential – will circulate with minutes.

JW/SHS – Householder PN Appeals very inconsistent. Further monitoring required.

10. Income generation opportunities/ PPA developer funded resource options (John Whitlock)

Has anyone else done PPA's? New Chief Exec has a focus on commercial development, income generators and savings.

AT – Colchester use. Useful on more and more applications. Does need project managing, time constraints an issue. Template online. Standard recharges used. Pre app's turned around in 20 days. Fee for PPA can double the cost of the application – developers are keen for certainty. PPA should only be used on schemes you are sure you can iron out the issues as it does commit to a recommendation for approval to committee and a timeframe.

Ideas for generating savings also include reception charges (to validate applications) and a policy to license street cafes.

11. Planning News

NR – Planning Stats collection is changing

RG – Guidance notes out to consultation

AT – Minors and others will be included in, next time. Colchester issued a 7 year decision in time!

NR/JT – Prior approvals not on returns.

Planning Magazine – EIA regs changing.

12. Interesting Appeal Decisions

KF – Appeal Glebelands SoS dismissed. Went to court because hadn't saved the policy that identified the Green Belt. Alleged GB didn't exist and procedural issues. Details to be finalised.

13. EPOA

Minutes were attached

14. Enforcement Liaison Group

Minutes were attached

15. Essex Planning Administration Officer Forum

Minutes were attached

16. AOB

AT – Garage conversions that would be PD as not planning development. Application should be removal of condition from original consent (£195) as opposed to a householder application (£172).

17. Items for next Agenda

Peter Geall ECC

18. Date, time and venue of next meeting

18 July 2014, Chelmsford Museum, Oaklands Park 10am.

Actions List

- NR to ask Peter Geall ECC to attend future meeting
- Slides from presentations to be circulated from Sport England, IXIA for Public Art and ECC Superfast Broadband Programme.
- NR & TL to circulate Appeal decision about Office Prior Notifications