

Essex Development Management Forum

Date: 16 January 2015
Time: 10am
Venue: Chelmsford Museum,
Oaklands Park

Attendance List:

Nigel Richardson (Chair)	Epping Forest District Council
Graham Courtney (Minutes)	Epping Forest District Council
John Whitlock	Rochford District Council
Darren Roberts	Braintree District Council
Andrew Tyrrell	Colchester Borough Council
Stuart Spears	Basildon District Council
Kim Fisher	Castle Point Borough Council
Nigel Brown	Uttlesford District Council
Mark Lawrence	ECC Highways
Jonathan Keen	Thurrock
Richard Greaves	ECC Minerals and Waste

Guest speakers:

Kat Goodyear	SuDS Manager ECC
Kate Lindsay	Environment Agency
Catherine Robaldo-Bishop	Environment Agency

1. Apologies for Absence

Phil McIntosh	Southend-on-Sea
Sarah Hill-Saunders	Chelmsford

2. Minutes

The minutes of the meeting held on 24 October 2014 were agreed as accurate.

3. Matters arising

Item 5 - Has anybody used Google group yet? There do not seem to be any questions on it yet. Some people have struggled to use it.

Item 14 - Any authorities have a good Heritage Statement validation that can be circulated?
NR confirmed that issue of Heritage Statements had arisen from discussion with Adrian Gascoyne (Historic and Built Environment Manager at Place Services). Concern had been expressed over validating listed building applications with inadequate Heritage Statements. EPOA Conservation Group were going consider this matter at their next meeting.

RG - Consent approved for Listed Building based on NPPF. Subsequently judicially reviewed and challenged however wrong plan was presented and referenced. Decision was quashed but application kept valid. Heritage Statement submitted (as not submitted originally) and was once again put forward with resolution to grant. Resolution was challenged and Counsel was consulted prior to issuing decision. Told that decision would be quashed. Informed that the LB & CA Act should be the starting point (although this conflicts with the NPPF). This

essentially states that if there is any harm found then there is a statutory duty to refuse. During the entire process the development was undertaken and caused subsequent enforcement issues and possible cost implications. There were three historic advisors involved from all sides and all looked at the level of substantive harm (NPPF) rather than looking at the LB & CA Act.

Item 10 – AT – Will compile next set of stats for April meeting .

ITEMS FOR DISCUSSION

4. (a) SuDS and (b) Sites over 1ha in Flood Zone 1 (Kat Goodyear, Kate Lindsay & Catherine Robaldo-Bishop)

(a) SuDS

SuDS design guide is being drawn up by ECC, hoping to get this adopted. Would encourage LPA's to adopt this as SPG. Should hopefully be adopted within next month or two, along with fees and charges for pre-app. Once adopted an email will be sent to all LPA's with a link to the document so that each Council can go through their own process of adopting the document as SPG.

(b) Sites over 1ha in Flood Zone 1

Letter has been sent out stating that from 1st Feb the EA are moving away from providing bespoke comments on surface water. Hopefully shouldn't be too much of an impact as ECC will take over this aspect (consultations should be sent to suds@essex.gov.uk).

September last year DEFRA produced a consultation regarding an alternative to SuDS approving body. Most of the responses to this seem to be against the proposal.

Government have also since made it clear that LLFA's should be Statutory consultees rather than LPA's dealing with the matter themselves.

Currently Governments intention is to keep this just on Major Developments. Standing Advice is available for other development. LLFA's also have a duty to deal with development within proximity to a watercourse (may just be standing advice rather than bespoke).

Questionnaire from Government will be emailed to all. Response due in two weeks so any comments requested within the next week. Changes proposed would (at this time) be coming in on the 6th April.

Free Pre-App advice is currently given from ECC regarding SuDS, however within the next couple of months this is likely to be charged for. May need the issue of SuDS to be added to LPA's validation checklists.

5. Amending plans on current applications (Nigel Richardson)

Epping Forest Planning Portfolio Holder has raised concerns about Councils accepting amended plans and not subsequently reconsulting (even if the amendments make the development smaller/less harmful), particularly regarding Committee cases.

Suggested that after report has been written for an Agenda then no further amended plans should be accepted. Other alternative is to withdraw the application from Committee (although this is at the Chairmans discretion). Can reconsult with a reduced time (i.e. 7 days) if there is time between the report being written and the Committee date.

Recommend to check the code of conduct to ensure that this is not contrary to current practice, in case of any procedural challenges. Ultimately each case needs to be judged on its own merit.

6. Pre-application Service and Discussions (Kim Fisher)

Move to review current process. Had a lot of information on charges but trying to get a handle on the way other LPA's deal with pre-apps, particularly regarding time taken in pre-apps. If emails can be sent across then this would be handy.

NB - Uttlesford currently reviewing their pre-app charges. Will send email around to all showing what it was and what it is changing to, which is based on estimated hourly rate.

JK - Thurrock has an interesting breakdown for pre-app charges. Will be circulated.

Seems to be a common problem with charging for follow up meetings. If charged at an hourly rate then how is this calculated/charged prior to the meeting? Many LPA's seem to be somewhat lax about charging for follow up meetings.

Discussion was had on making Members aware/inviting them to pre-apps but also regarding confidentiality of pre-app submissions.

ACTION: NB and JK to circulate round pre-app charging information.

7. Access to Planning Officers for general enquiries (Kim Fisher)

How much access is allowed to Officers for members of the public? Castle Point has a Duty Officer system (as do many of the LPA's).

Uttlesford have a Duty Officer available 10:00 – 16:00, but consider this to be too much access.

Epping Forest has a Planning Officer available 09:00 – 13:00 and generally Officers can be reached on the telephone, although some officer's better than others at answering .If Householder pre-app is introduced then this would cut down the level of need for reception availability.

Contact team/centre is often used in many LPA's as the first line of enquiry and then queries are passed on to Planning Officers.

8. Prior Approvals – Any issues?

There has been a decision since the last meeting that existing units on the site (i.e. a farm house) must be taken into account in the consideration of whether “the cumulative number of separate dwellinghouses developed within an established agricultural unit exceeds three”.

Recent appeal decision whereby a PI allowed a barn to be completely stripped back to the frame and mainly glazed, as ‘building operations reasonably necessary to convert the building “ despite significantly altering the appearance of the building..

9. Planning News (item attached to agenda)

Some discussion regarding Affordable Homes exemption and when the contributions are sought (pre-change) and when new applications are requested (post change). Also a two-tier CIL rate can be introduced as a result of this change (i.e. a smaller scheme can be charged a higher CIL due to increased land value due to the exemption).

No other comments on Planning News

10. Innovative Ways of Advertising a Planning Application

Unlikely to be able to remove the need to advertise in Newspapers, although this would save Councils a lot of money. Could reduce the cost however by joining together and negotiating with Newsquest, which many LPA's are signed up with already.

Epping Forest currently edits down the description of development in newspaper adverts to cut down costs.

ECC sign up with www.roadworks.com, which is a geographical based website that shows highway works. Could create a similar geographically based website that everyone enters into. Would probably need to be ECC led as they are the only Council that have a license for the entire County.

11. Interesting Appeal Decisions

AT - Recent decision for stables whereby the PI put great weight to the British Horse Society's guidance on the size of land to number of stables (i.e. in this decision there was not enough land available to justify the number of stables). Appeal decision is **Attached**.

JW - Be aware that a previous appeal has concluded that Trotting horses do not require as much space.

REPORTS FROM OTHER GROUPS

12. EPOA

Noted

13. Enforcement Liaison Group

Noted

14. Essex Planning Administration Officers Forum

Noted

ITEMS FOR INFORMATION

15. Any other business

- **NR** drew attention to a recent Local Ombudsman report on Planning, which should be read by all.
- Epping Forest has a situation where our own development has been refused and we are considering appealing against ourselves. Can this be done and has anyone done this?

Not sure whether you are actually able to do this.

ACTION - **RG** to check and let people know.

- Question whether PAS training is beneficial to Members? Yes they do appear to offer beneficial Member courses.
- Anybody dealt with planning applications for large amount of diesel powered generators and transformers for emergency electricity generation? No.
- **RG** - Fracking. Chelmsford/Uttlesford and Chelmsford/Braintree are being offered for people to apply for a license for Fracking. Doesn't mean that there is gas but LPA's should be aware of this.
- **ML – ECC** Intending on reviewing the Parking Standards, Design Guide. S.106 consultation due to come out to all shortly.
- **RG** - Anaerobic digestion systems seem to be becoming popular. No right or wrong answer at the moment as to whether County or District councils deal with these. If Districts are dealing with them then they need to be particularly sensitive that, if permission is granted, it would be very easy for such sites to shift from biowaste crop to general waste importation if not suitably controlled. Best practice guidance may be set up regarding this.

16. Items for next agenda

Statutory Notice item should remain on.

17. Date, time and venue of next meetings

Friday 10 April 2015 - Chelmsford Museum, Oaklands Park 10am.