

ESSEX DEVELOPMENT MANAGEMENT FORUM

Date: 10/4/15

Time: 10am

Venue: Chelmsford Museum, Oaklands Park

Attendance List:-

Nigel Richardson (NR) (Chair)	Epping Forest
David Baker – minutes	Epping Forest
Keith Holmes (KH)	Chelmsford
Mark Lawrence	Essex CC Highways
David Lewis (DL)	Basildon
Derek Walker	Tendring
Tessa Lambert	Braintree
Andrew Tyrrell	Colchester
Richard Greaves (RG)	Essex CC Waste & Minerals
Kim Fisher	Castle Point
John Whitlock (part of meeting)	Rochford

Guest Speaker:-

Tim Simpson (part of meeting) - Essex CC Sustainable Drainage

1. Apologies for absence

Phil McIntosh - Southend-on Sea; Matt Leigh - Maldon;

2. Minutes

The minutes of meeting on 16/1/15 were agreed.

3. Matters arising

- a) Item 8 - prior approvals for c/u from agricultural buildings to dwellings – it was clarified that an existing farmhouse is NOT included in the total of 3 dwellings that can be created from this form of change of use.
- b) Appeals – is it legitimate to lodge an appeal against the refusal of a Councils own development ie against your selves? – the meeting could not identify a case where this has occurred.

4. Sustainable Drainage Systems (SuDS) – presentation by Tim Simpson (TS).

- a) From 15/4/15 Councils will be responsible for consultations on SuDS. To prevent a lack of information being submitted with applications ECC have produced a checklist for applicants to complete (on major applications). TS requested that Councils include these lists on their validation requirements and it was noted that some Councils would need to carry out consultations in order to revise their validation requirements

- b) Discussion ensued on whether an application could or should be invalidated due to the absence of completed check list. TS said that in the absence of details Essex CC would recommend refusal. It was agreed that the checklist should include a 'who to contact for advice' at the foot of the form ie an Essex CC officer.
- c) TS requested that a SUDS link also be included on Councils' pre application guidance notes since they would like to get involved in pre application discussions – although they also would levy a charge.
- d) Essex CC have now formally adopted an ECC SuDS design guide – which is on their web site- and wish that this guide be adopted by Councils as Supplementary Planning Guidance – rather like the ECC 's parking standards
- e) Question - will Essex CC help in the maintenance and adoption of SuDS schemes? Answer - could be split between a number of organisations eg County Highways, Parks Departments, and Water Boards. Question – is there a statutory requirement for SuDS rather like there is for a FRA – Answer – there is no single requirement but SuDS is referred to in the NPPF. However, it is not a national validation issue – it is only a local validation requirement
- f) The Environment Agency will now NOT be making comments on SuDS – in some cases they have been making comments up to now.
- g) **Conclusions** 1) It was agreed that the check list would be 'trialled' and to include it on local validation lists - but a statement needs to be incorporated in the check list re its legislative basis – ie why SuDs is now necessary.
2) It was agreed that the checklist will be referred to on each Councils validation requirements
3) That in addition to TS drawing up standard conditions to be imposed the comments of Essex CC on SuDS details should be 'explained' in a complementary text.

5. Viability assessments

- a) KH stated a problem in Chelmsford was that one consultant/agent refuses to pay the Councils' assessors fees, and when an appeal is lodged the Council has to pay for its own viability assessment in order to fight the case. The meeting sympathised with this problem but others present did not have similar problems, and it appears that this is an isolated occurrence.

6. Vacant Building Credit (VBC) and affordable housing thresholds

- a) VBC is a new Government policy designed to encourage housing development on brownfield sites. DL said that on a scheme in Basildon 7 dwellings to be provided by conversion of an existing building were covered by this new policy ie the policy basically allows exemption from S.106 affordable housing obligations for buildings brought back into use - unless it increases floor space.

7. Assessing Loss of Light – Methods?

- a) NR explained that at a recent Planning Committee in Epping Forest members requested to know precise details of loss of light to rooms in a neighbouring dwelling. NR explained that EFDC uses the 45 degree line requirement and

will now also refer to the Essex Design Guide. Other Councils follow the same general line, and very little use was made of the BRE indicators . It was also pointed out that there had been a recent change to the 'Right of Light' legislation.

8. Planning News

- a) Please see appended Planning News Update. In addition it was said that changes to the Advert Regulations may well be imminent.

9. Prior Approvals – any issues?

- a) JW said that the larger home extensions prior approval process has changed the benchmark for considering planning applications for extensions ie larger house extensions are now being approved.

10. Interesting appeal decisions

- a) In Basildon appeal decision was allowed on the special disability circumstances and indeed the 'United Nations Convention on the Rights of a Child'. This was felt to be a rogue decision. Also in Basildon a long running agricultural workers dwelling has now been finally refused.
- b) In Colchester a prior approval application for c-u offices to residential was refused - but in error because the notice specified an amenity reason for refusal. However the inspector looked kindly on this mistake and in fact dismissed the appeal because he did not believe the building was in office use.
- c) In respect of 'limited infill' Chelmsford take a relaxed view of what constitutes infill.

11. Statutory Notices in Papers

- a) No update available on identifying an alternative and less costly form of statutory advertisement. NR will email Andrew Taylor in Uttlesford for any news. The point was made that many local newspapers carry their own notices on new planning applications received, and that it is ironic that Councils have to pay a lot to place much smaller adverts at the back of the paper - that are often not looked at.

12. Salary benchmarking

- a) KH had obtained replies on this but 5 non responding Councils will be asked to complete the form. Clearly some Councils are using 'market supplements' – a locally based salary 'hike' - to try to retain and attract staff and he quipped that he may lose staff to Basildon because of this.
- b) Comparisons between Councils are made more difficult by different work practices for example in some councils a Principal Planning Officer is a team leader with relatively small caseloads, at others he/she could work mainly on major applications, and at others there is a balance between the two. Also in Chelmsford there are 4 ranges of planning officers with the lowest being admin clerks/trainees who can choose a path to becoming planning officers.

- c) Generally pay is lower the further away from London.
- d) Workloads are generally increasing, particularly pre application enquiries. In Tendring planning policy officers and enforcement officers have been given planning applications to deal with.
- e) RG explained that Performance Related Pay in Essex CC had unfortunately 'vetoed' career progression which made it difficult for him to retain staff.

13. Reports from other groups

- a) EPOA – no comments
- b) Enforcement Liaison Group – Uttlesford looking at proceeds from crime approach.
- c) Essex Planning Administration officer forum – Chelmsford have trialled planning officer tablets on site which failed - but are now trying new tablets – but because reception is poor in some areas officers also take hard copy plans on site as well! It was agreed that new technology would be discussed more fully at the next meeting.

14. AOB

- a) Extension of time agreements are being used by many Councils- and the agreement with the applicant does not have to be obtained within the normal 8/13 week target period.
- b) KH will inform NR of contact person in the National Grid
- c) Minor applications are now to be included in assessment of LPA performance – vis possible special measures.
- d) JW said Rochford had looked at measures to increase income generation. From 1/4/15 they had introduced a £42 -00 charge for 'fast track validation' details of which was on their web site. The meeting expressed doubts about such an approach eg should not all validation be fast track? Also Rochford have introduced a fee for research type of enquiries - £66-00 for the first 2 hours. An FOI however may be a way to circumvent paying this fee.
- e) Basildon have changed their SLA with Essex CC re listed buildings – it is now based on a daily rate.
- f) Finally, the chairman wished John Whitlock all the best in his forthcoming retirement and thanked him for the many contributions he had made to the forum over the years.

15. Date of next meeting – to be arranged for July.