

## 5. PLANNING SERVICES STANDING PANEL

### *The Planning Services Panel consisted of the following members:*

Councillor J Philip (Chairman)  
Councillor H Ulkun (Vice Chairman)  
Councillors Mrs P Brooks, C Finn, Mrs A Grigg, Mrs S Jones, Mrs M McEwen, J Markham, W Pryor, A Watts and J M Whitehouse.

The Lead officer was John Preston, Director of Planning and Economic Development.

### **Terms of Reference**

1. To consider in detail the provision of Value for Money within the following Planning Services in focusing specifically on:
  - Development Control (including Appeals)
  - Forward Planning
  - Building Control
  - Enforcement
  - Administration and Customer Support
  - Economic Development
  - Environment Team
2. To gather evidence and information in relation to these functions through the receipt of:
  - performance monitoring documents,
  - Best Value Review of Planning Services (updated version)
  - benchmarking exercises,
  - consultation with Planning Committee Members, customers and IT Suppliers.
3. To review the measures taken to improve performance within the directorate.
4. To consider matters which arise through the process that the Government is driving to bring in an East of England Plan. These may range from responding to the views of those who support or oppose us, and how we may support or oppose the views taken by others. This includes how to work in partnership with others to secure delivery of the plan with adequate infrastructure. In particular, those Portfolio Holders with relevant responsibilities to remain tuned in to local views.
5. In association with 4 to keep an overview of work associated with securing a sound New Local Development framework; in particular how the core strategy will cater for the adequate delivery of infrastructure of all types, the limited rolling back of the Metropolitan Green Belt, the provision of affordable housing, and the maintenance of the settlement pattern elsewhere in the District.
6. To consider what changes are practical and desirable to Council policies concerning the Metropolitan Green Belt; including those concerning the extension of existing dwellings, and the reuse of redundant and other

buildings; in particular, are further restrictions necessary (changes in policy required) to ensure that such developments are truly sustainable.

7. To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process each year;
8. To report to the Overview and Scrutiny Committee at appropriate intervals on the above. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

***The Panel scrutinised a number of important issues over the last year, which included:***

**(i) Planning Appeals and Counsel** – The Panel scrutinised how Planning Appeals and the instructing of Counsel was dealt with and public inquiries were handled by Legal Services and Counsel. They also discussed the insurance cover for the cost of adverse planning appeals. After some research it was agreed that this was not an area where insurance cover could be specifically arranged. The Council was, however, already covered for ‘official indemnity’, where an error or omission in the planning process resulting in a third party suffering a financial loss, could be covered by our insurers.

**(ii) ‘Planit’** – The Panel noted that Planit was a monthly newsletter circulated internally seeking to promote staff inclusiveness and open them out to things happening outside their own area of expertise in the planning service. Feedback had been positive and comments for improvements had been taken on board. They looked at the possibility of circulating this to the general public as a means of updating and informing people about planning, but, only if staff time and resources allowed.

**(iii) Staffing within Countrycare:** The Panel reviewed the staffing arrangements for the District Council’s Countryside management Service. Countrycare had been established in 1986 and had since developed a credible and proven track record for delivering quality projects.

The Panel considered and agreed the proposed Countrycare re-structure to delete one Assistant Countryside Manager Post and create one additional Countryside Assistant post. They also looked into the possibility of extending the volunteer programme and agreed that it was worth pursuing.



**(iv) Working with other Councils** – The Panel considered the East Hertfordshire Core Strategy consultation document and it would affect the border areas of the district. They provided a draft response to the consultation questioning various aspects of the document such as raising concerns about the additional stress to water resources in the local area, having an evidence led local target for the placement of new local housing, adding an additional objective to safeguard existing important habitats and areas of bio-diversity.

They also commented on Broxbourne Borough Council's pre-submission core-strategy. This was a planning document covering the period 2010-2026 setting out their visions for the future of Broxbourne Borough as a prosperous and sustainable community.

The other consultation document was the Harlow Council Core Strategy in which they considered a report on Harlow Council's Core Strategy issues and options. This document was looking at the Government's intention to abolish Regional Spatial Strategies and their associated housing and employment land targets; and the introduction of the New Homes Bonus to stimulate housing delivery and new neighbourhood plans.

**(v) Construction Damage to Highways** – The Panel looked at the issue of damage to highways infrastructure during construction work and whether there was a way of forcing developers to make good any damage they had created at their own expense.



They had the Development Manager, Engineering, from Essex County Council attend this meeting. The officer advised that any damage to the highway should be reported to the Highway Office. Although the main difficulty was in gathering evidence and proving who had caused the damage, also how those responsible should pay. Conditions could and should be made when agreeing an application and it was felt that a code of practice should be developed for contractors.

It was also noted that it was not a planning enforcement function because the damage was not subject to planning control.

Following the meeting, the County Council has now produced simpler procedures for reporting highway problems, which would include the issue of highway damage during construction.

**(vi) New Homes Bonus Consultation** – The Panel received a consultation paper from the Department for Communities and Local Government on the New Homes Bonus, the coalition Government approach to incentivising local authorities to increase housing supply.

As the district was entirely within the Green Belt with only towns and larger villages excluded by tightly drawn boundaries, how would 'incentivisation' sit with the strategic aim of growth restraint and with the Government committed to protecting the green belt?



It was also unclear how the existence of the bonus should be treated in considering the planning merits of such schemes. There was concern that some observers would argue that some permission had been "sold". They were minded of the general principle that "planning permission may not be bought or sold".

**(vii) Tree Preservation Order Consultation Document** – The Government was consulting on a proposal to consolidate legislation and streamline the tree preservation order system. They wanted to create a unified system for all TPOs and shorten and simplify the model TPO.



The Chief benefits were considered to be that new orders would be both easier for the public to understand and for the local Planning Authority to administer.

Other Consultations – The Panel also considered consultations on Essex County Councils Minerals Development Document and the Governments Consultation on Planning Application Fees in England.

**(viii) Planning Enforcement Protocol** – The Panel received a report reviewing the Planning Protocol Code of Practice as it related to the Enforcement Section of the Planning Directorate. This was asked for because of apparent delays in subsequent action once enforcement action had been authorised.

Members were concerned about receiving information on current enforcement cases as there were about 700 items raised for enforcement per annum. Members could use this information when they received enquiries from the public. It was thought that a secure part of the Council's website could house the information on enforcement cases, but officers were unsure how it could be achieved at present.

**(ix) Essex Local Transport Plan – Consultation** – Every local highways authority (in this case Essex County Council) must produce a local transport plan for its area. Essex was consulting on a plan covering a period of 15 years. They wanted to identify what the highway authority wanted to achieve by investing in transport over the next 15 years and how this would help achieve sustainable economic growth for the county.

### ***Case Study: East Hertfordshire District Council Core Strategy***

The Planning Services Scrutiny Standing Panel held an extra-ordinary meeting on 11 October 2010 to discuss the East Hertfordshire District Council Core Strategy Issues and Options Consultation Document.

The District Council had received a consultation document from East Hertfordshire District Council regarding its Core Strategy issues and Options. The Council had amassed a detailed evidence base for their Local Development Framework, including technical studies on topics like:

- Transport
- Employment
- Climate Change
- Landscape; and
- Housing

They had also conducted community stakeholder sessions, gathering local opinion on future planning policy. This groundwork had led to the preparation of an Issues and Options Stage Consultation document for its future Core Strategy.

As an adjacent local authority, the District Council would be affected by decisions made in the East Herts Core Strategy.

The consultation document addressed the proposed growth of housing and jobs in East Herts District and in and around Harlow, particularly the proposed development north of Harlow, and urban extension to the east, south and west of Harlow. The

members noted that the only viable option for the District Council was to work with other councils more closely. More work was needed with Harlow.

The same evening, members discussed the Broxbourne Borough Council Pre-Submission Core Strategy.

The Core Strategy was a planning document covering the period 2010-2026 setting out a vision for the future of Broxbourne Borough Council as a prosperous and sustainable community. The strategy explained the unique features of the borough identifying the main challenges and key drivers of change for the next 15 years. In the short term, the strategy looked for development focusing on suitable urban sites making best use of land and helping achieve neighbouring regeneration. The Council would make use of the presence and legacy of the 2012 Olympic Games, additionally the development of greater Brookfield was intended to provide high quality shopping and leisure facilities and housing development. In the medium and long term, Broxbourne Borough Council's strategy was to complement suitable urban sites with Green Belt ones, with a focus on delivering larger family homes.

The Panel members' response was to advise caution in approaching consultations. A pro-active position was more advisable to a re-active one. There could be commercial threats to the District if the wrong approach was taken.