

SCRUTINY COMMITTEE
Wednesday, 13 February 2019 at 7.30 pm
Council Chamber - Civic Centre

1. Apologies for Absence and Substitutions
2. Declarations of Interest
To receive Councillors' declarations of interest (if any) in relation to any matters on the agenda.
3. Minutes (Pages 2 - 5)
To approve the minutes of the meeting held on 4 December 2018.
4. Matters arising
5. Written questions from members of the public
To receive any questions from members of the public in accordance with Council Procedure Rule 10.
6. Written questions from Councillors
To receive any questions from Councillors in accordance with Council Procedure Rule 11.
7. Responses of the Cabinet to Reports of the Scrutiny Committee
To consider responses (if any) of the Cabinet to reports and recommendations from the Committee.
8. Review of the Impact of Permitted Development - Update Report
(Pages 6 - 17)
9. Work Plan (Page 18)
To review the Committee's work plan for the current year.
10. References from Other Committees
11. Matters of Urgent Business
Such other business which, in the opinion of the Chair, should be received as a matter of urgency by reason of special circumstances to be specified in the minutes.

**MINUTES OF THE SCRUTINY COMMITTEE
HELD ON**

4 December 2018

7.30 - 9.10 pm

PRESENT

Committee Members

Councillor Bob Davis (Chair)
Councillor David Carter (Vice-Chair)
Councillor Simon Carter
Councillor Tony Edwards
Councillor Maggie Hulcoop
Councillor Stefan Mullard
Councillor Chris Vince

Officers

Simon Freeman, Head of Finance and Deputy to the Managing Director
Jane Greer, Head of Community Wellbeing
Adam Rees, Governance Support Officer

Also Present

Andrew Geldard, West Essex CCG
Rob Gerlis, West Essex CCG
Ian Tompkins, West Essex CCG

38. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Joel Charles, Shona Johnson and Edna Stevens.

39. **DECLARATIONS OF INTEREST**

None.

40. **MINUTES**

RESOLVED that the minutes of the meeting held on 16 October 2018 are agreed as a correct record and signed by the Chair.

41. **MATTERS ARISING**

None.

42. **WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC**

None.

43. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

44. **RESPONSES OF THE CABINET TO REPORTS OF THE SCRUTINY COMMITTEE**

None.

45. **REVIEW OF THE PROVISION OF HEALTH CARE SERVICES AND ADULT SOCIAL CARE IN THE TOWN - PRESENTATIONS FROM WEST ESSEX CCG AND ESSEX COUNTY COUNCIL**

The Chair welcomed Andrew Geldard, Dr Rob Gerlis and Ian Tompkins of the West Essex CCG to the meeting and invited them to give a presentation on health care service provision in the area. They explained that NHS England was responsible for the commissioning of care and that the CCG was responsible for procurement. The CCG worked closely with the County Council. There was a need to work closely with district councils. The Council and Councillors would be invited to attend future neighbourhood meetings.

They then gave an overview of the CCG's governance structure. One of the CCG's main aims was to promote integration between its services and to encourage its neighbourhoods, of which there were three in Harlow, to work closely together.

The CCG was currently consulting on the business case for Princess Alexandra Hospital (PAH). This business case would demonstrate how PAH would work with the health care provision in the surrounding area. The CCG then explained the Sustainability and Transformation Partnership (STP) which would look at the integration of West Essex services with other neighbouring CCG areas.

The CCG then outlined their communications strategy. They wanted to work closely with councillors and councils. They explained the methods in which the CCG attempted to communicate with young people.

In response to questions by Councillors, the CCG explained that part of its approach was to identify people before they became more seriously ill. It had the data necessary to identify geographical areas where there were specific issues.

It was understood why there was some scepticism surrounding STPs, however the CCG were confident that funding would be made available to invest in PAH. Harlow was a growing area and would reach the critical mass necessary to ensure funding was not adversely affected. The CCG used the organisation Represent, as well as online facilities and peer support to deal mental health services for young people. There was no new surgery planned for the developments at Gilden Way and Newhall,

but the existing nearby surgeries will expand to accommodate the increase in patients.

The Chair thanked the CCG for their attendance and welcomed the future dialogue between the CCG and the Council

46. **REVIEW OF PADDLING POOLS - SCOPING REPORT**

The Committee considered a scoping report for the review of paddling pools in the town.

Jane Greer, Head of Community Wellbeing, outlined the work which had already taken place. This included a new health and safety assessment being commissioned. It was hoped that an interim report would be brought to the Committee's next meeting. This would include an assessment of the options available and a model of potential works to the paddling pool in Staple Tye.

The Committee discussed the report. They agreed that other methods of advertisement were added for the consultation, such as the Harlow Times. They also agreed that the school councils be consulted and that the organiser of the petition considered by Full Council be invited to present to the Committee, along with the Youth Council.

RESOLVED that the scope of the review of Paddling Pools, as set out in the report, was agreed subject to the addition of the following:

- A** The methods of advertising the consultation included the Harlow Times.
- B** School councils be added to the list of those consulted.
- C** The organiser of the petition to Full Council, and the Youth Council be invited to the next meeting of the Committee.

47. **WORK PLAN**

The Committee received a report summarising its work plan for 2018/19. Further to Minute 46 above, the Committee agreed that an interim report of the Review of Paddling Pools would be considered at the meeting on 13 February 2019. The Committee also agreed that scoping reports for the Review of Educational Provision and the Review of Youth Club Provision at the meeting on 19 March 2019.

RESOLVED that:

- A** The work plan be noted.
- B** An interim report of the Review of Paddling Pools be considered at the meeting on 13 February 2019.

- C** Scoping reports on the Review of Educational Provision and Review of Youth Club Provision be considered at the meeting on 19 March 2019.

48. **REFERENCES FROM OTHER COMMITTEES**

None.

49. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

REPORT TO: SCRUTINY COMMITTEE

DATE: 13 FEBRUARY 2019

TITLE: REVIEW OF THE IMPACT OF PERMITTED DEVELOPMENT – UPDATE REPORT

LEAD OFFICER: JANE GREER, HEAD OF COMMUNITY WELLBEING (01279) 446406

CONTRIBUTING OFFICERS: JULIE HOUSTON, STRATEGY AND ECONOMIC DEVELOPMENT MANAGER (01279) 446445

CHRISTINE HOWARD, YOUTH AND CITIZENSHIP MANAGER (01279) 446192

RECOMMENDED that:

- A** The Committee notes the work undertaken to date and approves the ongoing work required as detailed in the attached work programme attached as Appendix A to the report.
- B** The Council becomes a signatory to the joint Local Government Association (LGA)/Shelter open letter on Permitted Development Rights (PDR) to the Secretary of State for the Ministry of Housing, Communities and Local Government (MHCLG) attached as Appendix B to the report.
- C** The Committee recommends to Cabinet that the Council seeks Article 4 Directions for the employment areas of The Pinnacles, Templefields (area not already covered by the Templefields Enterprise Zone (EZ) site Article 4 Directions) and the Burnt Mill Industrial area/offices adjacent to Harlow Town Railway Station (attached as appendices C, D and E to the report), and then to notify the Secretary of State to grant this.
- D** The Committee receive an update report in the next municipal year.

BACKGROUND

1. The Review of the Impact of Permitted Development Rights in relation to office to residential conversions commenced in September 2018 with initial information and evidence gathering. Following the interim report in October 2018 which considered evidence to date and approved the headlines for future work programme, an Officer team have been pursuing the various elements of that work programme (attached as Appendix A to the report).
2. In addition to the above, in December 2018 the Council formally raised this matter, through an Essex wide approach to the London Boroughs and the Mayor of London, and additionally, with Essex Members of Parliament. Following

response from the Mayor of London to the Essex Leaders, dialogue is continuing to improve the situation and the Council is continuing to support this process.

3. The MP for Harlow Robert Halfon, has raised the issue through a question put on the floor of the House of Commons and called for a review and additional resources for Harlow Council to support new residents.
4. On 28 January 2019 The LGA, in partnership with Shelter, has issued an open letter (attached as Appendix B to the report) to the Secretary of State for the MHCLG which includes the following extracts:
 - a) 'Permitted development rights have caused extensive problems. Therefore, we consider that the current proposals to allow for demolition of existing buildings and replacement with new residential ones, and for upwards extensions to existing buildings for new homes through a permitted development right, should not be pursued.
 - b) We call on the government to instead focus on delivering the affordable, high quality homes that people want and need through the local planning process.
 - c) We also consider that there should be an independent review of the wide-ranging impacts of permitted development rights allowing change of use into residential homes'.
 - d) The LGA is inviting organisations to add signatures of support to the letter.
5. In January 2019, Council Officers met with colleagues from Public Health England and Primary Care to discuss a proposed project which will carry out a health needs assessment of Harlow residents. This work will include a community engagement element and Officers will discuss widening the scope to include wider wellbeing issues to address tasks contained in the work programme.
6. Officers are leading on a multi-agency working group to identify and tackle issues affecting residents living in accommodation that has been converted from offices to residential dwellings under PDR. The majority of these have been placed in Harlow by other councils. The group consists of statutory, non-statutory and voluntary sector organisations and aims to :
 - a) develop good working relationships with housing management agents and placing authorities
 - b) safeguard children and families by raising new resident's awareness of local support agencies to ensure they can access any support they need in a timely fashion and help integrate new households in to the local community to reduce social isolation and increase positive health and wellbeing.

7. Council officers are discussing the potential for bidding to the Department of Work and Pensions for resources to support residents in PDR sites to maximise their employment prospects. The bid is under development with the voluntary sector and the deployment of resources is intended to be a partnership approach with the voluntary sector.

ISSUES/PROPOSALS

8. The current quantum of PDR sites in Harlow requires that there is a need for ongoing work to manage the current circumstances. The existing PDR conversions will remain as such facilities for the foreseeable future and therefore the officer group will continue the attached work programme and report back to Scrutiny Committee at a future date.
9. Although dialogue is progressing between local authorities and the issue of PDR with respect to residential conversion is now receiving greater local and national attention, the Council will need to continue to press for policy change to ensure that the risk of further loss of employment space and increase of poor housing conditions is mitigated.
10. The Council will continue to progress dialogue with referring councils regarding how individuals and families moving to Harlow can be supported in appropriate ways that do not leave that burden entirely with the receiving locality and the local public services or indeed leaving the individuals and families struggling to make those connections with services. This will require attention to referral procedure and protocols around information sharing.
11. The Council will also continue to work to enable joined up support for residents of PDR conversions through the multi-agency working group approach and better information and communications. As stated in paragraph 10 above, included in this will be required a considered approach regarding information sharing.
12. Given the existing quantum of PDR notifications for conversion of offices to residential, and the loss of employment land this has given rise to, it is recommended that the Council will seek Article 4 Directions for the employment areas of The Pinnacles, Templefields (area not already covered by the Templefields EZ site Article 4 Direction) and the Burnt Mill Industrial area/offices adjacent to Harlow Town Railway Station. The effect of this will be that these localities will be removed from PDR. This is required in order to ensure that no further loss of employment land takes place which would be at variance to the assessment of that required in the draft Local Plan for Harlow which is to be examined in public in March 2019.

IMPLICATIONS

Place (Includes Sustainability)

In the last four years Harlow has lost more than 38,000 square metres of employment space to residential conversions through permitted development, which leads to a significant concern if the Council is unable to provide sufficient space for new jobs to match the town's housing growth. The implementation of Article 4 Directions on existing employment sites will help to protect these in the longer term and then help the Council to deliver its Local Plan targets.

Author: Andrew Bramidge, Project Director – Enterprise Zone and Interim Head of Planning

Finance (Includes ICT)

There are no specific financial implications arising from the recommendations included within the report. However, for each premises converted under PDR there will be loss of business rates to Harlow.

Author: Simon Freeman, Head of Finance and Deputy to the Managing Director

Housing

As contained within the report.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

As contained within the report.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

The Local Planning Authority can use an Article 4 direction under the General Permitted Development Order to withdraw specified permitted development rights across a defined area. Government guidance is that Article 4 directions should only be used in exceptional circumstances where the exercise of permitted development rights would harm local amenity and the proper planning of the area. Provided the Local Planning Authority can justify both its purpose and extent the direction can be made. The use should be limited to situations where it is necessary to protect the local amenity or wellbeing of the area.

The Local Planning Authority when looking to make such a direction should clearly identify the potential harm the direction is intended to address. Councillors should be aware that the direction does not prevent development but means that an application must be made for planning permission prior to any development taking place. In deciding whether or not to make an Article 4 direction the Local Planning Authority should be aware that compensation may be paid in limited circumstances.

Officers have identified that an Article 4 direction is necessary to protect the wellbeing of the areas identified and the greater wellbeing of those within the areas. By following the proper process to determine the appropriateness of such a direction and by following the statutory procedure challenges can be mitigated.

Author: Simon Hill, Head of Governance

Appendices

Appendix A – Work Programme – Review of the Impact of Permitted Development
Appendix B – Joint LGA/Shelter open letter on PDR to the Secretary of State for the MHCLG
Appendix C – The Pinnacles Map
Appendix D – Templefields Map
Appendix E – Burnt Mill and Harlow Railway Station Map

Background Papers

None.

Glossary of terms/abbreviations used

EZ – Enterprise Zone
LGA – Local Government Association
MHCLG – Ministry for Housing, Communities and Local Government
PDR – Permitted Development Rights

APPENDIX A – WORK PROGRAMME - REVIEW OF THE IMPACT OF PERMITTED DEVELOPMENT - JANUARY 2019

LEAD OFFICER: JANE GREER

Tasks	Outputs / Outcomes	Timescale	Progress to Date
Continue to identify and develop knowledge of Permitted Development conversions	Ensure an up to date log is available.	Ongoing rolling review.	Recent update Jan 2019
Engage with residents to assess their aspirations and how quality of life issues might be addressed	Primary care/public health needs assessment research to establish this	To be determined with Public Health/Primary Care colleagues	In progress – first meeting between Public Health/Primary Care project leads has taken place
Consider how support for the development of Residents' Associations might be achieved at converted sites.	Engage with the managing agents of the larger sites to encourage the setting up of Resident Forums	31 March 2019	In progress – initial conversation with a key management agent has taken place.
Develop plans for partnership approaches to enabling support for the residents and influencing service delivery	Multi agency working group has been established to develop the ongoing support processes. Primary care/public health research report will feed resident needs into this. DWP funding is available to support outreach support for people seeking to improve their employment prospects. Officers are discussing a bid to focus on residents in PDR residential conversion sites and a partnership arrangement with a voluntary sector agency to manage the staff. Develop an information pack for new residents to enable them to access services appropriately.	Ongoing review	In progress
Undertake a wider social impacts assessment	Ensure this can be included in the Primary Care/Public Health research	To be decided with Public Health/Primary Care colleagues	In progress

Tasks	Outputs / Outcomes	Timescale	Progress to Date
Review the protocols surrounding the placement of people into other Council areas and consider and make recommendation to strengthening these	Ensure protocols are reviewed and in place and appropriate arrangements to enable better communication and information	July 2019	In progress – refers to Essex Leaders letter to placing authorities and further dialogue
Assessment of future demand implications for social and affordable housing in Harlow	Issue to be included in the current Housing Needs work currently being commissioned	July 2019	In progress - Housing Needs assessment work to be procured
Assessment of the impact upon Harlow's economic development aspirations and business growth space and evidence employment floor space loss	Quantum of employment land and office floorspace loss calculated and fed into ongoing economic growth strategy for Harlow	July 2019	Initial assessment undertaken, work will be commissioned which to assess the impact
Seek a moratorium on any further conversions through discussion with government	Officers have raised the issue with government officials and were directed to Article 4 Direction process	Ongoing	Issues have been fed into the Essex Leaders representations and to Essex MPs
Identify additional office sites vulnerable to conversion and assess the opportunity for further Article 4 Directions to prevent conversion through permitted development rights	Successful application to the Secretary of State for an Article 4 Direction to cover additional employment areas for The Pinnacles, Templefields and Burnt Mill Industrial Area/offices adjacent to Harlow Railway Station	To be determined	Officers have commenced preparations.
Undertake a financial appraisal of the loss of the business rates income against council tax revenues accruing from PDR and assess its impact upon Council revenues	Research and paper to be produced.	April 2019	To be progressed

Appendix B

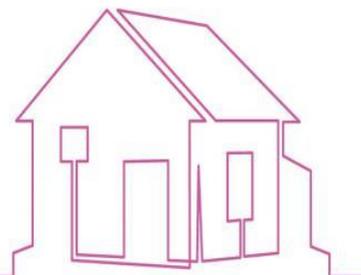
An open letter on Permitted Development Rights

This open letter on permitted development rights was sent to the Secretary of State for the Ministry of Housing, Communities and Local Government on 21 January 2019 and published on 28 January 2019.



Shelter

An open letter on Permitted Development Rights



Rt Hon James Brokenshire MP
Ministry of Housing, Communities and Local Government
2 Marsham Street
London
SW1P 4DF

cc. Kit Malthouse MP (Minister of State for Housing)

Dear Secretary of State,

Re: An open letter on Permitted Development Rights

Latest Shelter research shows that in England today, **there are more than 270,000 people without a home**. At the heart of the reasons for this is the simple fact that for a generation we have failed to build the homes the country needs.

In addressing this, however, it is important to think not only about the number but also the type of homes we build and where they need to be built. **In particular, there is a pressing need to ensure that the homes we build are genuinely affordable**. Last year we delivered just 6,463 social rent homes despite having more than 1.2 million households on council house waiting lists. These statistics begin to underline the scale of the crisis we face and the level of ambition we need to resolve it.

As well as increasing the focus on affordability, new housing development should also provide homes that are high quality, well designed, and served by the necessary community infrastructure.

These ambitions are currently in jeopardy, because of national policies that enable developers to avoid making such vital contributions. One of the

most significant of these is permitted development rights allowing offices to convert to residential homes without the need for planning permission.

Since 2013, developers have had a national right to convert office space into residential homes, a right they have wholly embraced with nearly seven per cent of new homes provided in this way in the last three years. Unfortunately, because they are exempt from the full local planning process, they come forward with minimal scrutiny and outside of local authority control.

These homes are also delivered without making any contribution towards affordable housing, which other forms of developments are required to do. This means that we are losing out on thousands of affordable homes which would be delivered if these homes went through the planning system.

Separate research by both the LGA and Shelter has shown the scale of this loss. Both organisations have calculated that more than 10,000 affordable homes have potentially been lost in the last three years.

The result of this is that thousands of families remain in temporary accommodation and on council house waiting lists for years, despite levels of housebuilding rising – underlining that we need to think more about what we build as well as how many homes we build.

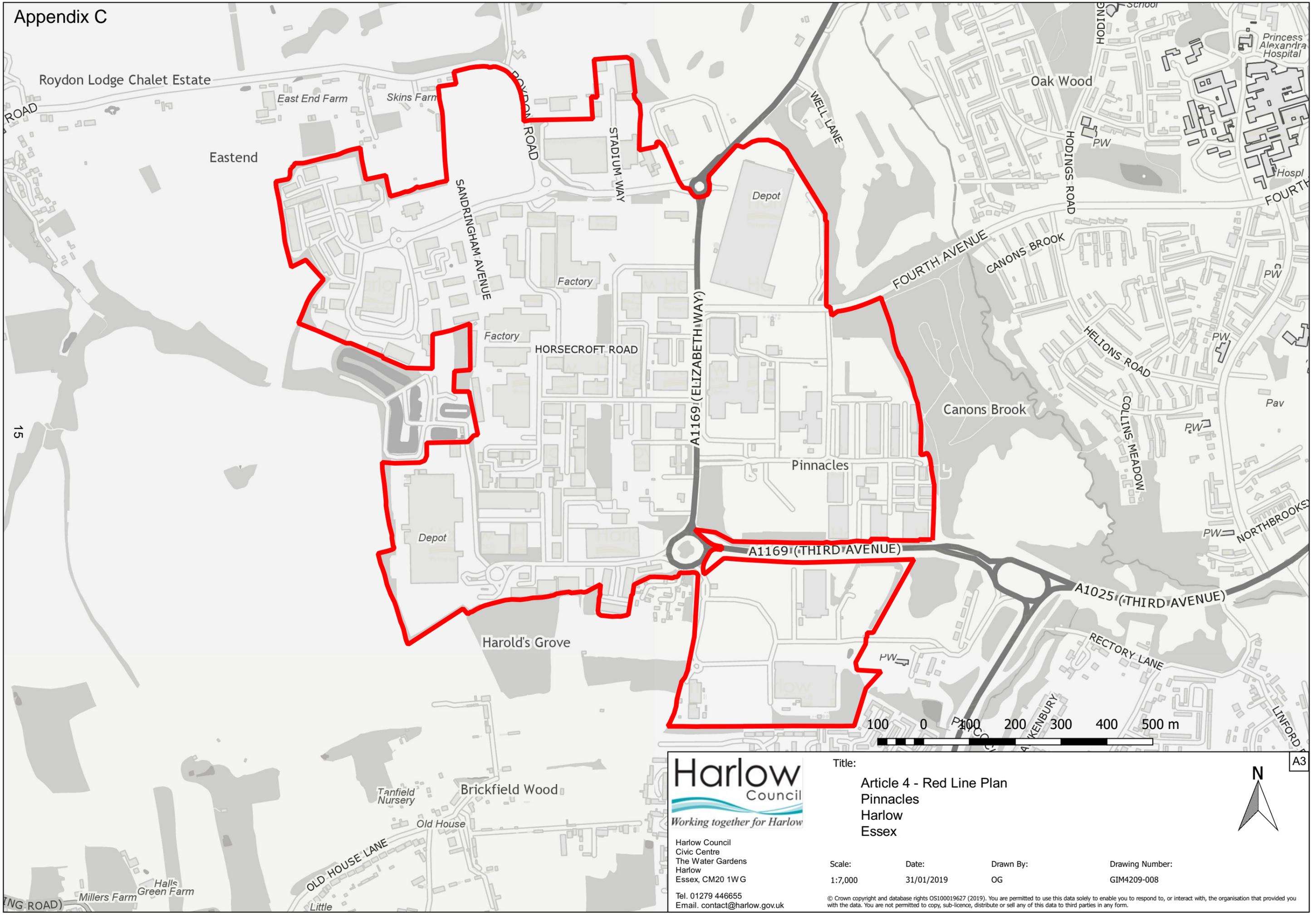
Permitted development rights have caused extensive problems. Therefore, we consider that the current proposals to allow for demolition of existing buildings and replacement with new residential ones, and for upwards extensions to existing buildings for new homes through a permitted development right, should not be pursued.

We call on the government to instead focus on delivering the affordable, high quality homes that people want and need through the local planning process. This would support the government's own ambitions to improve the quality of homes and places, as outlined in the terms of reference of the 'Building Better, Building Beautiful' commission launched in November.

We also consider that there should be an independent review of the wide-ranging impacts of permitted development rights allowing change of use into residential homes.

Yours sincerely

If your organisation would like to add its signature to the letter please email: jo.allchurch@local.gov.uk.



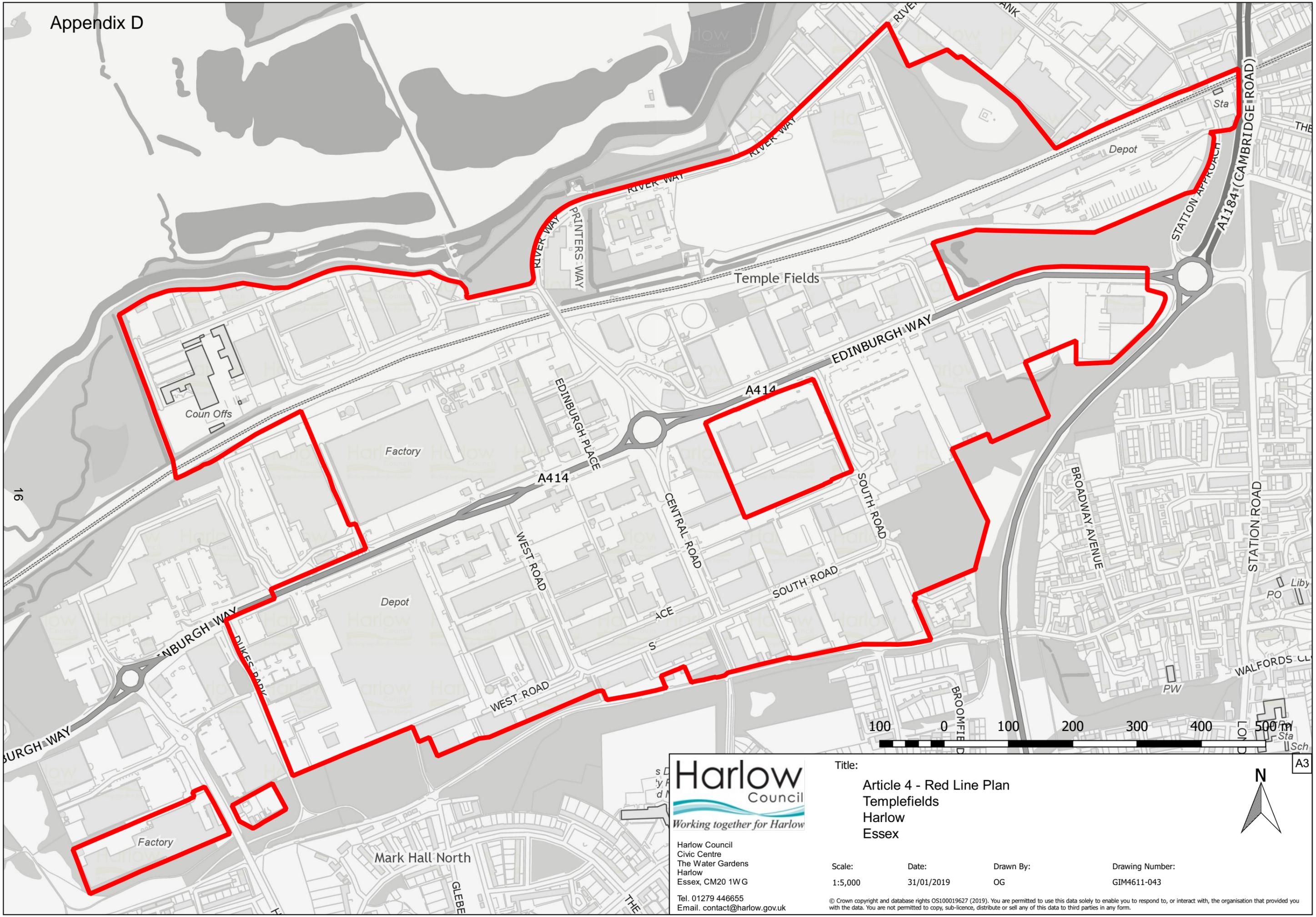
Harlow Council
 Civic Centre
 The Water Gardens
 Harlow
 Essex, CM20 1WG
 Tel. 01279 446655
 Email. contact@harlow.gov.uk

Title:
**Article 4 - Red Line Plan
 Pinnacles
 Harlow
 Essex**

Scale:	Date:	Drawn By:	Drawing Number:
1:7,000	31/01/2019	OG	GIM4209-008

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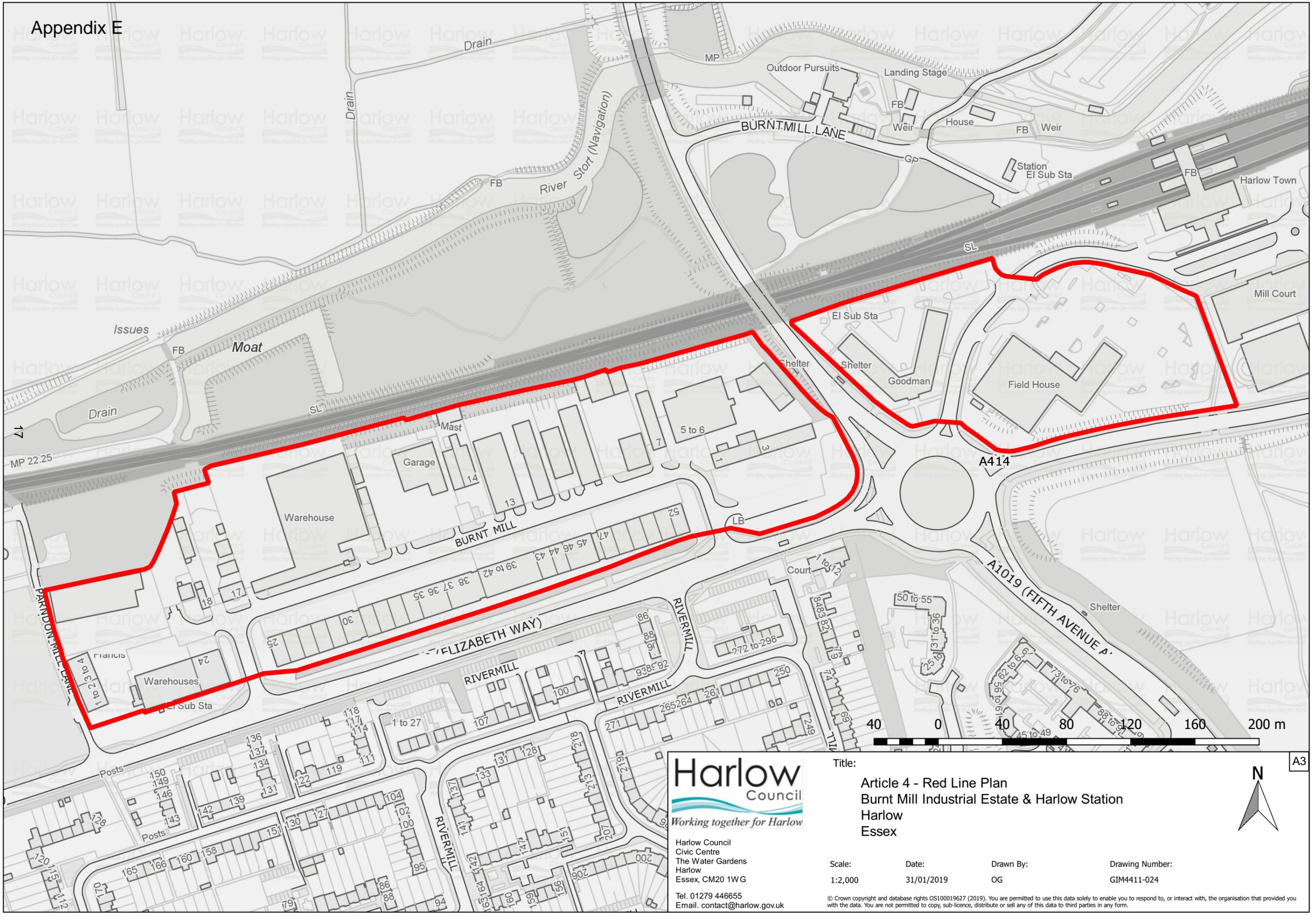
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**Article 4 - Red Line Plan
 Templefields
 Harlow
 Essex**

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A3



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 Email. contact@harlow.gov.uk

Title:
Article 4 - Red Line Plan
Burnt Mill Industrial Estate & Harlow Station
Harlow
Essex

Scale:	Date:	Drawn By:	Drawing Number:
1:2,000	31/01/2019	OG	GIM4411-024

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Scrutiny Committee Work Plan 2018/19

Title	Tuesday 24 July 2018	Tuesday 4 September 2018	Tuesday 16 October 2018	Tuesday 4 December 2018	Wednesday 13 February 2019	Tuesday 19 March 2019
Civic Pride and Education	Final report					
Improving the Provision of Bus Services in Harlow			Interim report			Final report
Review of Universal Credit in Harlow		Update report				
Review of the Impact of Permitted Development		Scoping report	Interim report		Update report	
Review of the Closure of Osler House			Interview with Osler House Action Group			
Parking in the Town						
Review of the Provision of Health Care Services and Adult Social Care in the Town				Presentations from West Essex CCG and Essex County Council		
Review of Policing in the Town		Scoping report				
Review of Paddling Pools				Scoping Report		Interim Report
Transport Links in and out of Harlow <i>Delayed pending the completion of the preparation of the Local Plan including transportation evidence and input by Essex County Council</i>						
Review of Educational Provision						
Review of Youth Club Provision						