

Written Submission from Cllr Tracey Simspon-Laing – 12th July 2009.

Economic & City Development Overview & Scrutiny Committee

Agenda Item 6: Feasibility Report – Planning Conditions: Their implementation, completion and difficulties relating to adoption of news estates.

Due to a prior engagement with my daughter I am unable to attend the meeting. However I would like to make this written submission in support of the suggested Scrutiny Topic as I feel that Officers have not fully understood the topic and why it is needed.

The Scrutiny Topic has been registered due to the 4 year fight to get a development in the Acomb Ward built to plan, and which is still ongoing in relation to a number of issues. Councillors, Officers and residents have spent hundreds of hours trying to ensure that the developers undertake their duties as laid out in the planning permission both at ‘Outline’ and ‘Reserved Matters’ stages.

Para 9: I believe it is inappropriate for Officers to bring into consideration staffing when considering a Scrutiny Topic. Scrutiny is a ‘requirement’ of Councils and Councils should ensure that it is taken by Officers as a serious Council function.

Paras 10 & 11: There is no duplication. Also training of and for Councillors is not an issue as the whole point of this registration is related to Officers ability to discharge their duties in relation to planning permissions. **This topic is only about CYC’s ability to carry out its job not Councillors understanding**

Para 12: It would have felt that it would have been sensible for the Scrutiny register to have been contacted over this issue. The ‘Topic’ concerns all aspects of ‘new’ developments, not individual planning permissions, but large-scale developments.

Para 15

- *Legal status of ‘Conditions’* – this needs reviewing, as CYC seem unable to either monitor or manage, as it is often Councillors that bring issues to ‘light’. The Scrutiny should look at the resources of the Planning Enforcement Team, their work plans (is the department staffed at levels to meet the work undertaken) and their ability to take immediate action.
- *Management of Conditions, including their signing off at each stage before work is allowed to continue* – Councillors, and in the long term residents, needs to investigate why this does not seem to happen on large scale developments.
- *Monitoring of developments and the ability to stop developments* – is this done to local practice or are each applications monitored on a weekly basis. Also are each stages signed off as work completed. How quick is action taken when breaches are noticed. It would be interesting to see when CYC used ‘Stop’ conditions on large developments compared with individual units

- *Ability of Council Officers to change planning conditions without members knowledge* – It has come to members knowledge on a number of occasions that ‘Conditions’ they have requested have been removed or altered. This often leads to concern from both ‘Members’ and residents who believe that there is protection against certain circumstances, etc.
- *The legality of developers not undertaking ‘Conditions’* – what penalties can be used and when did CYC last stop a development due to not developing to the plans.
- *The ability of CYC to ensure developers complete developments to enable adoption* – there is a very well known new estate in the City where the developers did not complete the development to the ‘Conditions’ of the planning application. Councillors need to understand why actions which should have been taken in previous bullet points leads to months and years of stand off’s between Councillors, residents and CYC Officers and developers.

On the whole residents are dissatisfied when they buy a house and then find that they are not receiving the services they expect of the Council because their ‘estate’ have not been adopted due to not being built to standard such as landscaping, roads and ‘Secure by Design. They ask why the Council did not monitor the development and why it allowed them to move into their homes when ‘Conditions’ say that they should not.

When estates are not adopted it also means that Ward Committee money cannot be spent in the location, as it is private land. This can lead to problems when residents request bins, trees or improved play equipment.

It would also be of interest to speak to the House Builders Federation to understand why their members do not built to plan or undertake ‘Conditions’. It would also be useful to see if any other Councils actually stop work on developments when they are not being built to plan.

It is currently an ideal time, with the ‘slow down’ and ‘mothballing’ of sites in the City, to look at the problems that have occurred in the 6 years of building boom in York. Councillors and the public need to feel that CYC has the ability to ‘manage’ developments and developers when the building trade picks up again, which it seem not to have had previously.