

Council 16 December 2020

Public Questions

Question 1 from Mr David Royle, on Behalf of the Bishop's Stortford Climate Group, as below:

Mr David Royle to ask Cllr Jan Goodeve, Executive Member for Planning and Growth:

Several major housing developments have been approved and are now being built. Both physical quality and the energy performance of the schemes clearly require careful monitoring. This would ensure compliance with planning conditions and statements of intent forming part of the planning permission documentation. There are two separate but overlapping fields of monitoring:

1. Planning permission monitoring: to check developers are complying with the approved drawings and conditions.
2. Building Control monitoring: to check whether energy efficiency targets are exceeding Building Regulations Part L.

Could you please clarify what arrangements are in place for:

- Early and regular monitoring of the build-out of new homes against the permissions granted, in order to provide assurance on the delivered design, quality and energy sources of housing in new developments, and to impose any necessary enforcement steps in good time to influence the rest of the development.

Building Control service monitoring compliance with stated energy performance targets.

Response from Cllr Goodeve

As indicated in the question, there are several major developments that have been consented and are currently under construction. These developments must be constructed according to the consented plans that have been submitted to the Planning Service and any Building Control Service supplier respectively. The duty for ensuring that development undertaken complies fully with what has been consented ultimately rests with the developer; this includes ensuring that details relating to any planning conditions have been submitted on time and are fully adhered to.

In order to assist with the monitoring of development, the Planning Service has, through the use of planning conditions sought to control some aspects of construction work that does not involve the use of personnel. For instance, conditions have been imposed that require a developer to build a sample board of the elevations of the structure on site and once this has been approved, it is to be maintained on site so that it can be compared to what has been constructed.

In addition to this, there is a Compliance Officer resource within the planning service in order to assist with the monitoring of developments on the ground as they are built out and options to extend this are currently being considered.

Planning conditions regarding energy/sustainability matters are normally submitted to the Planning Service for approval and once approved it is expected that they will be implemented as consented. There is an overlap with Building Regulations on this matter as the Building Control Officers will supervise the implementation of these measures including testing and finally approving their installation with the appropriate certification. However, in the case of a scheme whereby the Planning Service has agreed a scheme that exceeds Approved Document Part L, it would be expected that this is the plan that the developer is working to in

their submission to Building Control. Developers can select which Building Control Service they use to supervise their construction works and some choose to use Approved Inspectors rather than Hertfordshire Building Control. However, this does not alter the requirements of the developer to comply with what has been approved at the planning stage.

In terms of planning enforcement, if there is a concern that new developments have not been built in accordance with approved plans and planning conditions, then this would need to be reported to the planning enforcement team who would investigate the concern and depending on the nature of the breach would consider whether it was expedient to the public interest to take enforcement action having regard to the level of harm caused.

Supplementary Question from Mr Royle

There was no mention in the response about any planned monitoring which might include for example a planner or an architect and a town or parish council representative, and the latter having been closely involved in the planning application process and whom attach a great deal of importance to quality and compliance.

Response from Cllr Goodeve

I would suspect that it would be considered inappropriate for a town or parish council to become involved but I can certainly check with Officers on that point and I can come back to Mr Royle.

Additional Response from Cllr Goodeve

The Council's enforcement team includes a compliance officer in order to monitor compliance as developments are built out. If any Town or Parish Council has concerns about developments as they are built out and that they are not accordance with the agreed plans

then the Council encourages this to be reported to the Planning Service and Planning Enforcement Team to follow up.