

REPORT FOR:

MAJOR DEVELOPMENTS CABINET ADVISORY PANEL

Date of Meeting:	5 December 2012
Subject:	Future Role of MDP – Proposed Merger of the Major Developments Panel and the Local Development Framework Panel
Key Decision:	No
Responsible Officer:	Andrew Trehern Corporate Director, Place Shaping
Portfolio Holder:	Councillor Keith Ferry - Planning and Enterprise
Exempt:	No
Decision subject to Call-in:	Yes, when considered by Cabinet
Enclosures:	Terms of reference to LDF Panel Terms of reference for MDP Panel Pre-application protocol MDP Panel

Section 1 – Summary and Recommendations

This report seeks to update the Panel on the outcome of the officer review of the MDP and seeks the Panel's view on the proposed new role for the Panel, to enable it to reflect changes in the Councils approach to supporting growth and regeneration into the future.

Recommendations:

The Panel is requested to :

1. Consider and comment on the proposed merger of the Major Developments Panel and the LDF Panel as set out in this report.
(recommendations continue overleaf)

2. Recommend to Cabinet that the Major Developments Panel and the LDF Panel be merged.
3. Provide Cabinet with the Panel's view on the membership of the merged LDF Panel and Major Developments Panel.

Reason: (For recommendation)

To reflect the commitment to Members to review the operation and scope of the MDP following its establishment in 2010.

The proposed merger of the Major Developments Panel and the LDF Panel will provide a more cost effective service to the Council, whilst ensuring a means for informed comment and advice to Cabinet on important planning, infrastructure and growth items.

Section 2 – Report

1. Introduction

- 1.1 The MDP had its first meeting on 22nd July 2010. At that meeting, the Panel agreed terms of reference and sought to keep these under review periodically. The terms of reference reflected a clear delineation of roles between policy development (within the LDF Panel) and planning decisions (by the Planning Committee). The MDP pre-dates the introduction of the provisions of the Localism Act 2011 by the Coalition within which, through Section 25, Members were encouraged to participate in the development of strategic planning applications at an early stage.
- 1.2 At its meeting on 21st March 2012, the Panel agreed to revise the pre-application protocol that it had adopted, to reflect the provisions within the Localism Act. (Appendix 1 & 2, Report of 21st March 2012).
- 1.3 Over its duration, the MDP has had a number of officer presentations – on emerging planning policy (particularly in the Heart of Harrow AAP), together with presentations by developers for Kodak, RNOH and Lyon road. The Panel has also received submissions from the Campaign for a Better Harrow Environment, and from Transport for London. Each meeting of the MDP also receives an updated report on the status of key strategic development sites.
- 1.4 Since its inception, the MDP has therefore provided a forum for senior members and the community to review and discuss strategic development issues. With the submission of the outstanding development plan documents (including the Heart of Harrow AAP) to the Secretary of State for examination and the determination of the Kodak and Lyon road planning applications, the programme for the

MDP requires refreshing. Public and third party attendance at recent meetings has also declined. Meanwhile, the Councils community infrastructure Levy and associated infrastructure delivery plan (IDP) are being progressed, with an anticipated introduction early in the next financial year.

- 1.5 Part of the officer review of options for the future of the MDP, discussions have taken place with the Chair and senior members of the Panel, as well as a review of practice elsewhere. Officers have also discussed the future role of the MDP with senior officers in the resources directorate, overseeing wider change to the Councils governance and decision making processes as part of the ongoing review of the constitution.

2. Options considered

2.1.1 Based upon the discussions and review of practice elsewhere, officers have identified a number of options:

- Do nothing
- Refresh the terms of the MDP based upon its existing scope – including review of the pre-application procedures/protocol.
- Expand the role of the MDP to include the work of the LDF panel and introduce scope to consider and oversee the future CIL delivery framework.
- Cease the MDP and consolidate pre-application function within the terms of the Planning Committee.
- Cease the MDP and LDF panels and consolidate functions of MDP and LDF Panel under the terms of the planning committee

Consideration of options

All parties consulted recognise that the MDP could be improved, and its “relevance” enhanced to promote wider attendance. Feedback from members and applicants, and the parties who have appeared before the MDP suggests that the ability to appear before senior members from the two major parties within the Council and to be able to receive comment and feedback is valued. The approach, particularly for pre-application purposes, is also strongly endorsed within the Localism Bill and National Planning Policy Framework.

The advisory role (as opposed to statutory functions) of the Panel is also seen to provide the potential for discussion amongst senior members who would not normally participate in the decision making role of the planning committee. The cancellation of the MDP and migration of the MDP functions to the Committee would therefore deprive applicants, developer and the community to access to senior politicians across the Council.

Given that Harrow's Local Development Framework, its Local Plan, is nearing its conclusion, the workload of the LDF panel is expected to decline significantly in the future – and will focus upon the review and monitoring of the DPD's rather than their whole sale introduction. In addition, the LDF panel

will provide recommendations to cabinet and Council on Supplementary Planning Documents - though again these are set to decline as the up to date LDF plan, comes into effect.

Operating multiple panels gives rise to costs and expense, and introduces potential duplication, overlap and delay. Given the falling workload of the LDF Panel, it is considered to be appropriate to re-consider the role of that panel in future policy creation.

The Harrow CIL introduces a significant new infrastructure framework, upon which public consultation and democratic oversight, around delivery, is expected. Outstanding regulations within the CIL regulations provide for consultation by Councils on the way in which CIL receipts will be spent. Member, Developers and the Community will also expect the Council to plan future infrastructure in a coherent and efficient way, marrying infrastructure delivery, to the accommodation of specific growth pressures. The adopted core Strategy was accompanied by an infrastructure delivery plan – outlining infrastructure requirements from the growth proposed. The CIL process also requires that the Council publish an IDP.

Give the move from policy development to policy implementation, and the need to plan for and manage infrastructure delivery in a way that engages the community will be required. The MDP terms of reference cover part of this role already – and enable senior, cross party oversight of development activity – on strategic sites for example. This role could, it is considered, be appropriately expanded to provide for monitoring and oversight of the IDP that will accompany the CIL, including advising Cabinet on the progress with the IDP – and recommending changes to the IDP as appropriate in response to changing circumstances.

Conclusions

Based upon the above appraisal of the options, officers would recommend that option 3 be pursued. This will require a review of the constitution – to transfer the role of the LDF panel to the MDP. Members view on the retention of the pre-application function with the MDP, or its transfer to the Planning Committee (as per Croydon for example) is desirable. At the present time, officers consider that this function, because it provides as access to senior politicians, should remain with MDP.

3. Financial Implications

3.1 There are no direct financial implications from this report. The integration of the LDF and MDP panel roles will reduce overall operating costs for the Council through the reduced number of meetings and papers.

4. Risk Management Implications

4.1 None – the recommended option does not, directly, create any new risks for the organisation.

5. Equalities implications

5.1 None.

6. Corporate Priorities

6.1 The development of the terms of the MDP as recommended would support the Corporate priorities focusing upon “Keeping neighbourhoods clean, green and safe,” , promoting “united and involved communities: a Council that listens and leads and encouraging “A town center to be proud of.” More widely, the MDP supports the effective management of future growth and regeneration across the Borough promoted by the Statutory Development Plan (Core Strategy) and community strategy.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 22 November 2012		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 23 November 2012		

Section 4 - Contact Details and Background Papers

Contact: Stephen Kelly Divisional Director. Tel 020 8736 6149. Internal ext. 6149 Email Stephen.Kelly@Harrow.gov.uk

Background Papers: None

Appendix 1 - Terms of reference LDF Panel

LOCAL DEVELOPMENT FRAMEWORK PANEL

Terms of Reference

1. To give detailed consideration to and make recommendations in respect of:
 - (a) the Local Development Framework and its Development Plan Documents and matters incidental thereto
 - (a) representations received to Development Plan Documents and any amendments proposed;
 - (c) monitoring the implementation of the Framework, its review and modification as necessary.
2. To make recommendations in respect of the development of such individual sites as may be referred to the Panel by the Cabinet.
3. To give detailed consideration and to make recommendations in respect of all other planning policy matters such as the designation of Conservation Areas and amendments to their boundaries and the designation of locally listed buildings.

Appendix 2 - Terms of reference MDP Panel

MAJOR DEVELOPMENTS PANEL

The Terms of Reference and Delegated Powers of the Major Developments Panel are:

1. To oversee the development of the Harrow and Wealdstone Intensification Area, to include:
 - providing comments to the Area Action Plan Project Board;
 - reviewing the emerging master plan(s) for the area;
 - considering emerging design and development principles; and
 - reviewing the outcomes of community consultation and feedback on the emerging strategy.
2. To oversee the development of proposals for individual major development sites within the borough including:
 - providing comments on pre application proposals received by the Council for such sites;
 - reviewing progress of strategic development sites within the borough; and considering site specific planning and development briefs.

Appendix 3 - Pre-application protocol MDP Panel

Protocol on meetings with the Major Developments Panel

General

Harrow welcomes discussions with applicants on strategic proposals which fall to it for determination. In most cases these will be handled by officers, who will give advice based on national, regional and local policy. The Council has established a Major Developments Panel with the intention that the Panel might be able to review and comment upon strategically significant proposals at the pre-application stage (i.e. before a formal planning application is submitted). The strategic significance of the proposals will be determined by the Divisional Director of Planning in consultation with the Chair of the Panel having regard to:

- The scale and significance of the proposals – having regard to the strategic

purpose of the MDP and any other avenues for consideration (such as public meetings, community consultation)

- The stage in the development of the proposal and anticipated submission date
- The availability of time for the Panel's consideration of the item alongside any other business
- Any specific issues of particular interest or relevance to the Panel

This protocol explains how the consideration of such items at a meeting of the MDP will take place.

The Conduct of Meetings

Meetings will normally be held at the Council offices. In rare cases it may be appropriate to visit a development site or inspect a similar development to that proposed – in these cases the Protocol will apply as if the meeting was being held at the Council's offices.

Pre application presentations will be arranged as required, but only after the agreement of the Chair. Such arrangements may include the submission in advance by the applicant of such documents as the Panel may require, or which may be referred to in the applicant's presentation.

The consideration of pre application proposals will take place as part of the MDP meetings which are open to the public in most cases unless, on the basis of a majority vote by the Panel, and in line with The Access to Information Rules found in paragraph 11.4 of part 4G of the Council's Constitution the discussion is likely to involve the disclosure of exempt information.

Presentations will be scheduled by officers to start and finish at a specific time and will sit alongside other agenda items of the Panel. It will be for the applicant to provide all materials and to present the proposals to the Panel. Officers will provide commentary as required in respect of specific questions or issues raised. The form of each presentation will be expected to cover: i) site history ii) policy context iii) physical context, and iv) design analysis. The form and content of the presentation should have been agreed in advance by officers as accurate, relevant and the minimum necessary to assist the Panel. Members will then be given the opportunity to ask questions of the developer.

Any views expressed by the Panel or by Officers prior to formal submission of the application are provided for the purpose of guidance and comment. They do not constitute a formal decision and are without prejudice to the right of individual Members and the Council to determine any subsequent application as they see fit, having regard to all material considerations and the Development Plan. Officers will take a note of the proceedings. A copy of this note will be published alongside the minutes as a summary record of the comments made.

The Role of the Applicants

The applicants will have the opportunity to make a presentation on their proposals. The presentation will normally be followed by questions and answers. The presentation can only provide relevant background information to give context to the proposal and it must focus primarily on issues that are relevant to the planning process.

The Role of the Chair of the MDP

The Chair will, with the Divisional Director of Planning, determine whether a proposal meets the criteria and should be considered by the MDP in accordance with this protocol.

The Chair will be responsible for managing the process of questions and answers and in ensuring the proper conduct at the meeting. In line with standing orders, the Chair will be entitled to apply all other standing orders for the operation of meetings to enable the business of the Panel to be conducted accordingly.

The Role of Panel Members

The purpose of the process is to enable applicants to present material and for members to ask questions and make comments. All Members of the Panel, particularly where they may have a subsequent role in the determination of any related application on behalf of the Council, should ensure that they maintain an impartial role and avoid expressing an opinion or giving advice that indicates a prejudging of the proposals.

Questions to clarify aspects of a proposal or policy concerns are legitimate, but must not develop into negotiations. Any comments made will be without prejudice to the right of the Planning Committee to determine any subsequent application as they see fit having regard to any material considerations.

In line with the Nolan recommendations it is expected that any Member who takes an active stand in support of, or against an application should consider the members code of conduct or whether they are likely to predetermine the application and take advice from the monitoring officer as appropriate.

The Role of third parties

Third parties in attendance at the meeting will be entitled, at the absolute discretion of the Chair, to ask questions and make comments on the proposals being reviewed as part of this process.

Any person addressing the applicants or the Panel would be expected to identify themselves and any interest that they represent in relation to the item under consideration for the benefit of the meeting.