

**Committee:** DEVELOPMENT CONTROL  
**Date:** 1 July 2002  
**Agenda Item No:** 7  
**Title:** DELEGATION OF PLANNING APPLICATIONS  
**Author:** John Mitchell (01799) 510450

### **Summary**

- 1 This report follows the Workshop held before the last meeting and an earlier one in February and recommends that Members agree to extend the Delegation Agreement, initially for a trial period.
- 2 If Members agree, their recommendation should be forwarded to Full Council for confirmation.

### **Background**

- 3 Delegation speeds decision-making, enables a constant throughput of work rather than being tied to the three-weekly cycle of Committee meetings and allows officers to progress a higher volume of work than would otherwise be the case. Uttlesford receives around 1800 planning applications every year. Approximately 75% of these are delegated to Officers, with the remainder being determined by this Committee. This means that the Committee considers, on average, at least 31 planning applications at each meeting – more if items are deferred from previous meetings.
- 4 Members will recall that the subject of further delegation to Officers was raised at a workshop in February. The issue was brought forward because the Government has set a target for all planning authorities of 90% commencing on 1 April this year, in order to speed up decision making. The Government has stated that the inability to meet the target will result in the authority failing its Best Value Review. There was opposition to the extension of the scheme of delegation to officers but it necessarily has to be recognised and it is important to see how we can improve service delivery to customers.
- 5 Elsewhere on this agenda is a report for information, approved by the Environment and Transport Committee, seeking a stretched timetable for the Planning Service Best Value Review because of pressure of work and staffing difficulties. These issues formed the background to a second workshop preceding the last meeting of this Committee. During May, the number of applications received rose by 50% compared with the same month last year. At the same time, our overall speed for performance has now, after a prolonged period of steady improvement, begun to decline. This is coupled with an increasing backlog of work. It is considered that the opportunity arises to seek an improvement in Service delivery as part of the Best Value

Review while at the same time relieving some of the increasing pressure of work from those staff that remain in the planning department following recent departures and illnesses.

- 6 The time taken to prepare a Committee report considerably exceeds that necessary to prepare a delegated report. Obviously cases vary according to their complexity and controversiality, but it can take up to a day in Officer time to prepare a committee report which might take an hour or two if it were delegated. This is because factual information on the file has to be presented in report format, and the administrative procedures are necessarily more complicated. It is stressed that delegated decisions are just as thorough as Committee items. If, therefore, more applications were delegated, there would be less time spent preparing for Committee.
- 7 Officers are therefore seeking an extension of the delegation agreement initially for a temporary period to help with the backlog of work and to ensure that case officers can maximise the efficient use of their time, while simultaneously assessing a Service improvement as part of the Best Value Review.

### **Principles of Delegation**

- 8 Clear Planning Policies mean that decisions on planning applications should be predictable. Decisions can therefore be delegated as long as they are made in accordance with Policies. This requires an acceptance of Policy and trust by both Officers and Members. There are safeguards in the delegation procedure and common sense is always applied. For example, it is possible that a proposal may not comply with policy but material planning considerations render it acceptable: such applications should always be determined by Committee because of the element of judgement that is involved, and the need for open and transparent decision making.

### **What now goes to Committee?**

- 9 All the following applications are now determined by Committee whether within Development Limits (DLs) or not:
  - One or more new dwellings or conversions
  - Replacement dwellings
  - New industrial and commercial development
  - Major changes of use
  - Recommendations contrary to Policy
  - All telecommunications developments
  - Section 106 Agreements
  - Certificates of Lawful Use & Development
  - Enforcement matters
  - Members' and Officers' applications
  - Applications referred at Members' request and Officers' discretion

## **Further Applications which could now be delegated**

10 It is considered that the following types of application could now be delegated to Officers subject to being in accordance with the Development Plan and the safeguards listed below:

- Replacement dwellings within DLs
- Changes of use within DLs
- Up to 5 dwellings within DLs
- Refusals for dwellings outside DLs
- Refusals of residential barn conversions
- Appropriate commercial (usually within Use Class B1) barn conversions
- Certificates of Lawful Use & Development
- Refusals for telecommunications developments
- Minor tourist related developments

## **Safeguards**

11 At the workshop Officers reminded Members of existing "call in" arrangements for any application for determination by Committee, together with that Member being required to attend Committee to put forward their reasoning. Members suggested a further safeguard that they would like foreknowledge of the officer's recommendation prior to considering whether they wished to "call in" the application for consideration by Committee, with 5-10 working days to make their request.

12 Officers have looked carefully at this, and accept the principle that Members should be aware of the recommendation before exercising their prerogative to call in the application. There are however three significant difficulties which officers consider would render the proposed system inefficient;

- the necessary administrative system would be complex to set up and run and would be more time-consuming than the current scheme of delegation, which would be counter-productive
- it is possible that the objector would know the officer's recommendation before the applicant, which would be unfair
- the underlying principle of delegation - that of speeding up decision making - would be undermined because the "period of grace" for Members to call in the application could make the difference between the application being determined within 8 weeks or going out of time

13 Officers consider that the current system does offer considerable safeguards, and for the most part has operated satisfactorily for many years. Members currently receive the weekly list of new applications, which is catalogued by Parish, and so can be readily informed of proposed developments in their wards and in the District as a whole. The weekly list also defines those applications that will be determined by Committee and those that will be delegated, together with the case officer's name. Recent changes in the administration of the Development Control Service means that neighbour

notifications are sent out at the beginning of the application process rather than half-way through, and it is likely that Members will more quickly be made aware of controversial delegated applications than they have in the past (Members are reminded that the majority are straightforward and uncontroversial). It is therefore open to any Member to discuss any application with the case officer, or more senior staff, and to exercise their discretion of call accordingly. A recent development is the availability of a leaflet about Public Speaking at Committee, which contains advice about contacting Ward Councillors. There remains the safeguard of Officer discretion on finely balanced cases to refer cases to Committee.

- 14 A comprehensive review of the delegated procedure will form part of the Best Value Review and this would include examination of a range of means of informing Members of the progress of planning applications. This will become progressively easier as the planning applications information system goes "on line" later this year, which will be further augmented by the introduction of document imaging next year. This will, in time, enable the public to look at any planning application on the Internet, and to check its progress. The suggested additions to the scheme of delegation set out in this report have been carefully chosen to issues where Members usually agree with the recommendation, and it is submitted that a thorough overhaul of the notification procedure would be disproportionate at this stage, particularly at a time of staff shortage. There are of course exceptions, but these would be caught by the current safeguards.

### **Summary**

- 15 It is considered that the revised procedure outlined above should increase the extent of delegation by up to 10% and may speed up decision making by up to 10% in 8 weeks. It would improve service delivery? and should help prevent a material overload of development control work. This does of course assume stable levels of staffing, and an improvement in speed of service may not result if the current fluidity in staffing continues, but a significant downturn in performance could be avoided.
- 16 Officers anticipate that the current staffing and workload difficulties should be substantially stabilised within 6 months, and accordingly a 6-month trial period is requested, with the option of a review thereafter. The experience of the revised scheme of delegation should feed into the formal Best Value Review.

**RECOMMENDED** that the revised procedure outlined above be referred to Full Council on 16 July with a recommendation for approval for a temporary trial period of 6 months commencing 1 August 2002.

Background Papers: Members' Workshops 4 February & 10 June 2002  
Scheme of delegation to Officers

**Committee:** DEVELOPMENT CONTROL AND LICENSING COMMITTEE

**Date:** 1 JULY 2002

**Agenda Item No:** 8

**Title:**  
**UTT/0036/01/CL – FELSTED**  
**Application for Certificate of Lawful Use of land for Vehicle parking together with associated activities and the use of buildings for storage or other purposes ancillary to the use of Vehicle parking**  
**Land abutting north of Trycot, Bartholomews Green.**  
**GR/721-210 Mr L J Ely**

**Author:** Jacqui Harrison (01799) 510420  
**Case Officers:** Michael Ovenden (01799) 510476  
**Expiry Date:** 8 MARCH 2001

**1 NOTATION:**

Outside Development Limits.

**2 DESCRIPTION OF SITE AND PROPOSAL**

This roughly triangular site covers an area of some 1300sq.m abutting the north of Trycot, Bartholomews Green (between Willows Green and Rayne). It is located on the outside of a gentle bend in the road and is screened by panel fencing to the road frontage, established semi mature vegetation at the rear and by an adjacent dwelling and existing vegetation to the north.

The application is for a Certificate of Lawfulness to establish the use of the site for vehicle parking together with associated activities and the use of buildings on the land for storage or other purposes ancillary to the use of vehicle parking for at least ten years up to the date of this application (9 January 2001).

**3 RELEVANT HISTORY**

This Report is supplemental to the Report that was made to Members on 21 May 2001. A copy of that Report is attached.

**4 S.106 AGREEMENT**

The Applicant has entered into a S.106 Agreement in the following terms:-

- Not more than 10 Commercial Vehicles in total
  - No more than six double-decker buses
  - Double-decker buses to be parked at rear of site
- No vehicles with a capacity of more than 7.5 tonnes

- No coaches or double-decker buses with more than 53 seats
- No vehicle movements outside the hours of 7.00am to 7.00pm from Monday to Friday (excluding Bank and Public Holidays) other than occasional movements not exceeding:-
  - Three movements between the hours of 7.00pm and 10.00pm Monday to Friday
  - ten movements in any one calendar month for the purpose of early morning starts and/or late returns provided that:-
    - the movements do not take place on consecutive nights and/or mornings; and
    - there are no more than three such movements in any week
  - six movements on any one Saturday
  - occasional movements on a Sunday provided that those movements do not occur on more than:-
    - twelve Sundays in any one calendar year; or
    - two Sundays in any one calendar month
- No repair of vehicles or minor works of maintenance outside the hours of 7.00am to 7.00pm from Monday to Friday (excluding Bank and Public Holidays) other than:-
  - minor works of maintenance of a type that does not affect the amenity of neighbouring residential properties between the hours of 7.00am and 1.00pm on Saturdays

## 5 CONCLUSION

The increases in the number and size of vehicles used for Coach Parking, and the number of employees engaged in that activity, do not change the nature of the activity that is being carried on upon the site. The evidence shows that, although the majority of vehicle movements took place within reasonably well-defined parameters, there have never been any fixed hours of use for this site. In the circumstances Officers do not feel that the increased levels of activity, in terms of hours of use and early morning starts, are sufficient to change the nature of the activity that is being carried on upon the site to such an extent that it amounts to a material change of use. The Applicant has entered into the S.106 Agreement for the purpose of precluding any further intensification of the vehicle parking use on this site.

RECOMMENDED that the Certificate of Lawfulness be granted

Background Papers:- Files numbered EN/GEN/18/86; ENF/82/97/D; UTT/0958/97/CL; UTT/0981/97/FUL; UTT/0825/99/FUL; ENF/36/00/D and UTT/0036/01/CL

**Committee:** DEVELOPMENT CONTROL AND LICENSING COMMITTEE  
**Date:** 1 JULY 2002  
**Agenda Item No:** 9  
**Title:** BEST VALUE REVIEW OF PLANNING SERVICES  
**Author:** John Mitchell (01799 510450)

### **Summary**

- 1 At the meeting of the Environment and Transport Committee on 11 June 2000, it was resolved to extend the completion date of the Best Value Review of Planning Services from December 2002 to July 2003.
- 2 This was due to high workload and severe staffing shortages in the Planning Department.
- 3 A fully copy of the report is attached.

**Committee:** Environment and Transport  
**Date:** 11 June 2002  
**Agenda Item No:** 6  
**Title:** Best Value Review of Planning Services  
**Author:** John Mitchell (01799) 510450

### **Summary**

- 1 The terms of reference of the Best Value Review of Planning Services was agreed by Scrutiny 2 Committee at its meeting of 27 March, as endorsed by this Committee at its last meeting. The Review Team has met twice. The Review is taking place in a year in which the Planning Service is progressing, the Local Plan Review, the Stansted Airport planning application, the possible move to Saffron Walden, the applications for major housing sites, the Bridge End Gardens project and the normally high workload of planning applications. It is, however, significant and unforeseen staffing difficulties which have recently occurred, combined with the high workload, which suggests to Officers that current work needs to be prioritised. Officers consider that efforts need to be concentrated on core service delivery matters if customer demands are to be met.
- 2 Of the main issues affecting the Service the only one where there is any flexibility of choice over timing is the formal Best Value Review. All the other work areas listed above are dictated by imperatives which are for the most part outside the control of the Council or Planning staff. The Council does however have a choice over the timing of the Best Value Review. While Officers consider it important that the review takes place, it will have a significant impact on staff time and resources at a time when these are stretched. Officers and Members of the Planning Best Value Review Team have discussed this and agreed that postponement of the Review should take place in these exceptional circumstances.
- 3 The Review team will continue to meet every two months and no opportunities will be missed to continue with improvements. Essentially the formal Review will be on hold while the staffing situation in Planning is resolved, or at least eased, and this is anticipated to be for a minimum of 6 months. In the meantime it is considered that the best use of staff resources would be to concentrate on the delivery of our core service business.

RECOMMENDED that the completion date of the formal Best Value Review of Planning Services be extended from December 2002 to July 2003, and that the Scrutiny 2 and Development Control and Licensing Committees be advised accordingly.

Background Papers: Best Value Review terms of Reference, E&T Committee, 19 March 2002.



**Committee:** DEVELOPMENT CONTROL AND LICENSING  
**Date:** 1 JULY 2002  
**Agenda Item No:** 10  
**Title:** APPEAL DECISIONS  
**Author:** Jeremy Pine (01799) 510460

The following appeal decisions have been received since the last meeting:

**1 APPEAL BY MR & MRS N ALEXANDER  
GRANSMORE HOUSE, GRANSMORE GREEN, FELSTED  
APPLICATION NO: UTT/1263/01/FUL**

Appeal against the refusal of planning permission for the erection of a dwelling.

<u>Appeal decision:</u>	DISMISSED
<u>Date of decision:</u>	6 JUNE 2002
<u>Original decision made by:</u>	COMMITTEE
<u>Date of original decision:</u>	30 NOVEMBER 2001
<u>Officers' recommendation to DC Committee:</u>	REFUSAL

Summary of decision:

The Inspector concluded that the proposal would consolidate the loosely-knit group of buildings, making it more prominent in the countryside and harming the rural character.

Comments on decision:

Current dismissal rate on this type of appeal (i.e. "infilling" on village edges) since 1984/5: 85% (158 cases).

**2 APPEAL BY DORNBRIDGE LIMITED  
THE RANCH HOUSE, PEGGY'S WALK, LITTLEBURY  
APPLICATION NO: UTT/1379/01/FUL**

Appeal against the refusal of planning permission to demolish existing timber bungalow and replace with three houses and garages.

Appeal decision: ALLOWED

Date of decision: 11 JUNE 2002

Original decision made by: COMMITTEE

Date of original decision: 23 JANUARY 2002

Officers' recommendation to DC CTTE: REFUSAL

Summary of decision: (Members visited this site)

The Inspector concluded that the proposed development would be in keeping with the pattern of development in Peggy's Walk. It would preserve the setting of the Conservation Area and not adversely affect views into or out of the area. Overall, the proposal would make more efficient use of land without compromising the quality of the residential development, in accordance with Government advice in PPG3.

Comments on decision:

Current dismissal rate on this type of appeal (i.e. over development and loss of amenity) since 1984/5: 70% (162 cases).

**3 APPEAL BY MRS D FERRIS-LAY  
THE MISSION HALL, WIMBISH  
APPLICATION NO: UTT/0782/01/FUL**

Appeal against the imposition of a condition on a planning permission requiring two bays of the three-bay garage should be retained for car parking rather than used for commercial storage as proposed.

Appeal decision: ALLOWED

Date of decision: 14 JUNE 2002

Original decision made by: COMMITTEE

Date of original decision: 19 SEPTEMBER 2001

Officers' recommendation to DC CTTE: APPROVAL WITH  
CONDITIONS

Summary of decision: (Members have visited this site).

The Inspector concluded that, whilst the Council's concerns that the business should remain appropriate in scale to the nature of the surrounding rural area, conditions restricting the use to people living on site and to expiry in September 2004 would remain and limit the potential for increase as well as allowing a reassessment of the impact over a three year period.

Comments on decision:

Current dismissal rate on this type of appeal (i.e. industrial and storage) since 1984/5: 53% (29 cases).

**PART II  
(Paragraphs 12 and 15 of Schedule 12A of the 1972 Act)**

**AGENDA ITEM NO. 13**

**Title: ENFORCEMENT OF PLANNING CONTROL - PROGRESS REPORT**

**Author Ian Pigney (01799) 510459**

	ADDRESS	UNAUTHORISED DEVELOPMENT	ACTION AUTHORISED	EFFECTIVE DATE FOR COMPLIANCE	APPEAL	COMMENTS
1	B&T Motor Salvage Duck End Stebbing.	Storage of vehicles and excavations	17.8.87	1) 20.8.98 2) 20.10.98 3) 31.3.99	Yes	Injunction granted to require 1) removal of stored vehicles 2) regrading of land 3) landscaping. Partial compliance achieved. Surveying completed and details received. Business appears to have ceased trading. Further Examination of evidence being pursued.
2	Martinside Stud Ladywell Drive Gt Hallingbury	Residential Mobile home	23.6.97	19.02.00	Yes	Appeal dismissed. Planning applications withdrawn. Negotiations have not proved fruitful. Injunction being sought. Hearing 25/6/02. Verbal report to be made to Members.
3	Heathview Pond Lane Hatfield Heath	Unit 9 – Preparation of hot food for home delivery	20.9.99	27.6.02	Yes	Appeal dismissed. Compliance anticipated.
4	Angel & Harp PH Church End Great Dunmow	Signs	13.12.99			New sign erected. Listed building/ advertisement consent applications not received. Unlawful sign considered acceptable. Not expedient to take Enforcement action.
5	Land at Start Hill, Great Hallingbury (formerly Elliott's Yard)	(a) Storage of motor vehicles (b) Car repairs (c) Car valeting	28.2.00			Partial compliance achieved. Enforcement Notice to be served. Meeting to be held with landowner.

ADDRESS	UNAUTHORISED DEVELOPMENT	ACTION AUTHORISED	EFFECTIVE DATE FOR COMPLIANCE	APPEAL	COMMENTS
6 Woodcroft Stortford Road Little Canfield	(a) Breach of condition regarding demolition of bungalow	8.5.00	(i) 20.1.03 (works) (ii) 20.3.03 (removal)	Yes	(a) Appeal dismissed. High Court Challenge.
	(b) Storage building	2.7.01	(i) 12.2.02 (works) (ii) 12.3.02 (removal)	Yes Yes	(b)&(c) Enforcement Notices served. Inquiry held 18.6.02. Awaiting decision.
	(c) Blocking in of pole barn	23.7.01	12.1.02	Yes	
7 Trycot Bartholomew Gn. Felsted	Parking & storage of coaches & buses	11.12.00			Application for Certificate of Lawfulness received. Agreement executed (see separate report to Members).
8 1 The Chestnuts Hatfield Heath	Intermittent illuminated shop sign	26.2.01			Appeal hearing held. Appeal dismissed. Advertisement consent granted for alternative sign. Unlawful sign removed. Approved sign erected.
9 Severals Farm Arkesden	i) Erection of buildings ii) Business use for storage/distribution	26.2.01	i) 18.8.02 (demolition) ii) 18.8.02 (use) (18.9.02 for removal of materials and reinstatement of land)	Yes	Appeal dismissed. Notice upheld. Planning application received for retention of building for agricultural purposes.
10 Land adjacent to Little Paddocks Cutlers Green Thaxted	(a) Engineering works	9.4.01	(a) 29.7.02		(a) Enforcement Notice served. (b) Enforcement Notice served. (c) Enforcement Notice served. Inquiry to be held on 29.10.02
	(b) Contractors Office	15.10.01	(b) 29.6.02		
	(c) External Storage	25.2.02	(c) 29.6.02		
11 Seamans Farm, Littlebury Green	Replacement building	30.4.01	i) 16.8.02 (works) ii) 16.7.02 (removal) iii) 16.8.02 (reduce building height)	Yes	Appeal dismissed. Notice upheld Planning application received for retention of building with modifications to appearance.

## CONFIDENTIAL

ADDRESS	UNAUTHORISED DEVELOPMENT	ACTION AUTHORISED	EFFECTIVE DATE FOR COMPLIANCE	APPEAL	COMMENTS
12 10 Church End Great Dunmow	Outbuilding	18.3.02			Further information being obtained.
13 Meadowlands High Roding	Business uses	3.9.01	15.6.02	Yes	Enforcement Notice served.
14 Town Farm Stebbing	Single storey office building	24.9.01	12.1.03	Yes	Enforcement Notice served. Hearing held on 28/5/02. Appeal dismissed/ Notice upheld. Compliance achieved.
15 Springbank House	Boundary wall	4.2.02			Compliance achieved.
16 Woodnut, Great Canfield	Boundary wall and lamp standard	25.2.02			Enforcement Notice being prepared.
17 Willow Farm Braintree Road Great Dunmow	Use of barn for residential purposes	25.2.02			Enforcement Notice being prepared.
18 Knowlebury Little Cambridge Great Easton	Storage of cars	20.5.02			Enforcement Notice being prepared.
19 St Theresa's Church High Lane Stansted	Footpath extension and exterior lighting	20.5.02			Further information being obtained.

**BREACH OF CONDITION NOTICES**

<b>ADDRESS</b>	<b>BREACH</b>	<b>ACTION AUTHORISED</b>	<b>EFFECTIVE DATE FOR COMPLIANCE</b>	<b>COMMENTS</b>
1 Handleys Farm Great Easton	Storage of building materials, rubble/ Hardcore	26.1.98	13.9.98	Notice served. Compliance achieved. Future monitoring.
2 Rodingland Great Canfield	Fencing	7.2.01		Planting to be carried out this planting season. Inspection to be carried out.
3 Royal Tandoori Stansted	Takeaway sales	6.3.01		No further evidence of takeaways.