

**Committee:** DEVELOPMENT CONTROL  
**Date:** 22 November 2004  
**Agenda Item No:** 6  
**Title:** Enforcement of Planning Control – Land rear of Takeley Business Centre – ENF/95/04/B  
**Author:** Interest in land: Weston Homes PLC and Mrs D V G Burton  
Mr I Pigney (01799) 510459

### **Introduction**

- 1 This report concerns the unauthorised use of land for a car park and recommends that enforcement and, if necessary, legal action be taken to ensure effective control of the activities carried out on the land.

### **Notation**

- 2 ADP: Within Development Limits. Takeley Local Policy 3 – Land East of Station Road (suitable for appropriate light commercial or residential redevelopment).  
DLP: Within Settlement Boundary.

### **Relevant History**

- 3 Change of use to long-stay car park for users of Stansted Airport – dismissed on appeal 2001. Certificate of Lawfulness for existing development for use for storage or as a distribution centre (Class B8).

### **Site Description**

4. The site is open land to the rear of Takeley Business Centre and to the East of Sycamore Close. Highway access is shared with the occupiers of the units forming the Takeley Business Centre. The rear boundary of the site is adjacent to the Flich Way, and the eastern boundary adjoins open land. The site is enclosed within a steel palisade security fence.

### **Background:**

5. This matter came to the attention of the Council through an enforcement investigation following a complaint received in May 2004. Weston Homes PLC, whose offices are in the Weston Group Business Centre in Parsonage Road, Takeley, occupy the land. Enquiries revealed that part of the land about at the rear of Takeley Business Centre had been surfaced to provide car parking spaces for visitors and employees who are based in the Parsonage Road offices. It would appear that this is due to a lack of capacity in the car park at the Parsonage Road site and it was said, to avoid staff

parking in the residential roads adjacent to the offices. Weston Homes PLC were advised that the lawful use of the land at the rear of the Takeley Business Centre was for use for storage or as a distribution centre, and that it was a separate planning unit and could not be used as a car park for visitors or staff employed at the Parsonage Road site without planning permission. Officers have advised Weston Homes PLC that if applied for, planning permission may be granted subject to appropriate conditions. However, Weston Homes PLC have refused to apply for planning permission for the use of part of the land as a car park. If an application had been forthcoming it would have been possible to grant permission and control the use of the land by condition to ensure the use remained solely for the parking of vehicles by employees and visitors to Weston Homes PLC, i.e. allow the owner to continue the existing activities but guard against other uses. Without this control there is a significant risk that the nature of the use of the land for car parking could change and in time become immune from enforcement action.

**Planning Considerations:**

6. As stated above the parking of cars is a material change of use requiring planning permission. As the use has commenced without the benefit of planning permission it is breach of planning control and should be regularised. Notwithstanding the nature of its current use, the activity is completely unregulated and therefore could evolve to cover the parking of any cars or other vehicles, including those which are unrelated to Weston Homes PLC, at any time of the day and any day of the week and over time it would become immune from enforcement action. Consequently what might appear to be a fairly low key use that benefits an established local employer and provides benefits to residential amenity could become a damaging use immune from planning control. For example the site could become used for airport related car parking at anytime. Members are fully aware of the pressure that exists for the provision of unofficial airport parking. These activities are clearly against the policies in the Structure Plan, Adopted District Plan and Emerging Local Plan, policies BIW7, T4 and T3 respectively. In the circumstances, it is considered necessary that enforcement action should be taken to avoid this. Given the very clear and firm approach that the Council has taken to stop such activities, which have been supported at appeal, including on this site, and in court, at two sites in Great Hallingbury, Officers advise that enforcement action be taken to control the use in the same way as could be achieved by condition if an application were to be submitted and subsequently approved.

RECOMMENDED that enforcement action and, if necessary, legal proceedings, be taken to ensure effective control of the activities carried out on the land.

Background papers: Enforcement files No: ENF/95/04/B and Planning Application files No: UTT/0059/02/CL, and UTT/0942/01/FUL

**Committee**                      **Development Control**

**Date**                              **22 November 2004**

**Agenda Item No:**        **7**

**Title:**                            **Service Plans, Budget and Council Priorities 2005/06**

**Author:**                        **Philip O'Dell (01799) 510670, John Mitchell (01799) 510450**

## **Summary**

This report outlines the Committee's initial draft General Fund revised estimates of direct costs and income for 2004/05 and estimates for next year, 2005/06, prepared on the basis of existing approved levels of service. Also included in the report is the draft Service Plan of the Executive Manager (Development Services). The report also contains a full set of results from the Prioritisation Working Group set up by the Resources Committee to look at the contribution that services make to the Council's objectives. The Appendices to this report are as follows:

Appendix 1 Base Budget-Committee summary and detailed pages  
Appendix 2 Draft Service Plan covering licensing  
Appendix 3 Table of High/Medium and Low Priority Services  
Appendix 4 Summary of staff briefing note on Prioritisation Exercise

## **Background**

The Resources Committee meeting on 24 June 2004 targeted a council tax increase of no more than 5% per annum over each of the next four years, the timescale of the Council's Financial Strategy. In practice, due to both potential capping by central government, and the Council's own policy decisions, an increase of no more than 3% may be necessary for 2005/06. Based on existing budgets and anticipated government funding, this would necessitate budget reductions and/or increased income from charging for services totalling approximately £150,000. This figure assumes no provision for new spending pressures, including known increases in statutory costs. Although the overall position will not have become clear until the Resources Committee met on 18 November, it could be that the Council will need to make budget reductions and additional income in the £300,000-£500,000 range.

Resources Committee on 24 June also set up a joint Member and officer working group to consider the Council's priorities against the light of tightening financial constraints and Comprehensive Performance Assessment comments on prioritisation.

Executive Managers, in consultation with their staff, have now drafted Service Plans covering the period 2005-2008, including new spending pressures which will need to compete for scarce Council resources.

- 5 Co-ordinated external consultation is planned on the Council's budget, possible council tax levels, budget prioritisation exercise and the draft Corporate Plan.

### Revised 2004/05 Budgets

- 6 The process of revising budgets undertaken in this cycle takes the place of more routine budgetary control reports, with the summarised position being:

	£	£	£
<b>BASE ESTIMATE 2004/2005</b>			<b>574,270</b>
<u>Less</u> Internal Charges			159,050
<b>BASE DIRECT COSTS</b>			<b>415,220</b>
Transferred from Environment Committee:- DC/Policy Officer			21,400
<b>Adjusted Base Direct Costs</b>			<b>436,620</b>
<b>Committee Approved Variations:-</b>			
<u>Plus</u> Capacity for improvement in Development Services - Part Year Cost Staffing (minute DC18 refers)		36,750	
<b>Use of Earmarked Reserves:-</b>			
<u>Plus</u> Capacity for improvement in Development Services BV Consultants (minute DC18 refers)		38,250	
<b>Changed Pattern - use of Earmarked Reserve:-</b>			
<u>Less</u> Temporary Enforcement Officer		-11,770	
<b>Planning Delivery Grant Expenditure:-</b>			
<u>Plus</u> Staff Supplements	40,640		
<u>Plus</u> Temporary Enforcement Officer	18,700		
<u>Plus</u> Consultants	80,000		
<u>Plus</u> Equipment	4,700		
<u>Plus</u> Training	3,300		
<u>Less</u> ODPM Grant	-196,910	-49,570	

<b>Other Variations - Expenditure:-</b>			
<u>Plus</u>	Temporary Staffing Arrangements	34,310	
<u>Less</u>	Other staffing variations (net)	-16,560	
<u>Plus</u>	Advertising - Note 1	20,000	
<u>Plus</u>	Equipment for new Staff	5,000	
<u>Plus</u>	Microfilming/Scanning	3,100	
<u>Plus</u>	Software Maintenance	2,290	
<u>Plus</u>	Other (net)	2,160	50,300
<b>Total Variation from Adjusted Base</b>			<b>63,960</b>
<b>Direct Budget Total</b>			<b>500,580</b>
PDG transferred to Earmarked Reserve			49,570
<b>Revised Estimate 2004/2005 – Direct Costs</b>			<b>550,150</b>

**Notes on the key variations:**

1. Advertising

Budget increased to reflect actual spend on planning application advertising

**Draft Budgets 2005/06**

- 7 The detailed budgets have been prepared at estimated outturn prices and therefore include provision for agreed future pay awards and other price increases. Prior to any further spending pressures being funded or savings proposals being approved by the Council, the detailed figures have been prepared at the existing approved levels of service. The summarised position for this Committee is as follows:

	£	£	£
<b>BASE ESTIMATE 2004/2005</b>			<b>574,270</b>
<u>Less</u> Internal Charges			159,050
<b>BASE DIRECT COSTS</b>			<b>415,220</b>
Transferred from Environment Committee:- DC/Policy Officer			21,400
<b>Adjusted Base Direct Costs</b>			<b>436,620</b>

	<b>Committee Approved Variations:-</b>		
<u>Plus</u>	Capacity for improvement in Development Services		113,690
	<b>Changed Pattern - use of Earmarked Reserve:-</b>		
<u>Less</u>	Temporary Enforcement Officer		-11,770
	<b>Inflation:-</b>		
<u>Plus</u>	Pay Award	26,040	
<u>Plus</u>	Other	<u>2,090</u>	28,130
	<b>Planning Delivery Grant:-</b>		
<u>Plus</u>	Staff Supplements (Part Year)	37,600	
<u>Plus</u>	Temporary Enforcement Officer	19,210	
<u>Plus</u>	Consultants	80,000	
<u>Plus</u>	Training	3,300	
<u>Less</u>	ODPM Grant	<u>-68,910</u>	71,200
	<b>Other Variations - Expenditure:-</b>		
<u>Plus</u>	Staffing – Annual Increments	17,780	
<u>Plus</u>	Advertising	20,000	
<u>Plus</u>	Microfilming/Scanning	3,100	
<u>Plus</u>	Software Maintenance	3,050	
<u>Less</u>	Other Variations (net)	<u>-160</u>	43,770
	<b>Total Variation from Adjusted Base</b>		<b>245,020</b>
	<b>Direct Budget Total</b>		<b>681,640</b>
	PDG transferred to Earmarked Reserve	8,800	
	Met from Earmarked Reserve	<u>-80,000</u>	<u>-71,200</u>
	<b>Draft Estimate 2005/2006 – Direct Costs</b>		<b>610,440</b>

Internal charges will be added to committee budgets when they are re-presented in the January meeting cycle.

### Service Plans and Spending Pressures

Appendix 2 contains the full draft Service Plan relating to this Committee's responsibilities. Service Plans have been prepared by Executive Managers, meaning that there is not a complete fit to the Council's committee structure. The Executive Manager (Development Services) will highlight those parts of the Service Plan relevant to this Committee at the meeting. Service Plans will need to be reviewed based on decisions taken during the budget process and revised Service Plans will be brought back to this Committee in January 2005 for final agreement.

A summary of the spending pressures for this Committee is given below:

	<b>Ongoing From 2005/06</b>	<b>one-off</b>	<b>capital</b>
	£000	£000	£000
Document Imaging Post	20	75	0
Possible need for planning applications consultancy	40	0	0

- 11 This Committee will be asked to consider whether it accepts that the spending pressures need to be met, either through new or re-directed resources, and to make proposals accordingly to the Resources Committee. Because of the timing difficulties regarding the meetings of the two committees, the Resources Committee has been told that this Committee accepts the spending pressures do need to be met. This can of course be corrected during the next committee cycle if this is not the case. The Resources Committee will need to consider these spending pressures in the light of the Council's overall financial position for the next financial year and beyond.
- 12 The Corporate Plan is currently being revised for presentation in draft to the full Council on 14 December. Any revenue budgets relevant to this Committee were included in the overall budget position reported to the Resources Committee on 18 November, and will then be added to this Committee's budget in the next cycle of meetings if approved by the full Council.

### **Prioritisation Process**

Paragraph 3 of this report reminded Members that the Resources Committee set up a Member/officer working group to look at prioritisation. This group has now met several times and have compiled an analysis of front line services based on their contribution to the nine themes in the Council's Quality of Life Corporate Plan. A summary of these themes is given below:

Providing strong community leadership and openness  
 Protecting and enhancing the environment and character of the district  
 Improving rural transport  
 Encouraging appropriate economic development  
 Improving the supply of good affordable homes  
 Promoting tourism, culture and leisure opportunities  
 Improving access to value for money services  
 Improving community safety and the health of the population  
 Supporting lifelong learning and developing better opportunities for young people

- 14 The nine themes outlined in paragraph 13 relate to specific outcomes, and dovetail with the five themes of Excellence, People, Customers, Community

and Communication, which provide a more internally focussed framework for improvement.

- 15 The outcome of the working group's activities is the prioritisation table, structured by High, Medium and Low contributions to the nine themes. The table, in alphabetical order within each category, is shown in Appendix 3.
- 16 Support services do not contribute directly to the themes contained within the Corporate Plan and because of this, and the need to focus resources on front line services, have been included in the Low category of the prioritisation exercise.
- 17 Members who attended the Council Away Day on 9 October will be aware that an exercise was undertaken there aimed at validating or checking the conclusions of the working group. Similarly, an exercise involving the Joint Management Team (JMT) of middle managers was worked through during September. The outcomes of all three exercises have now been compared and there is a consensus on most of the results. Where differences do exist it is felt that the working group's views should prevail, as they went through a much more detailed process and had considerable time and officer support in coming to their conclusions.
- 18 Resources Committee on 18 November will have used the prioritisation process outcomes to steer the budget process for the next financial year and beyond. With a shortfall on the budget already identified, as explained in paragraph 2 of this report and many spending pressures being brought to committees, this was likely to involve Resources Committee setting savings and additional income targets to be considered by committees in the January committee cycle, based on officer proposals. To get the full benefit of the prioritisation process being undertaken, these targets will also need to consider the current cost and quality of services, and the Council's future aspirations for each service's cost and quality, based on the priority of each service. This information on current cost and quality is currently being compiled and will be brought to this committee in the January committee cycle to put any savings required from individual services into context.
- 19 It is important to point out that any savings targets or funded spending pressures proposed by the Resources Committee will be on an individual service basis, as this, rather than whole committee budgets, has been the basis of the prioritisation approach adopted. This means that, unlike previous years, committees will not have flexibility across services in how they make budget reductions, or how they spend additional resources.
- 20 A potential key implication of the prioritisation process is the effect on staff morale and motivation for those whose services are not shown as a High priority. Concern over this has prompted the Chief Executive and the Executive Management Team to hold a briefing for staff across the Council, and to prepare a note for staff to receive detailed briefing from their Executive Manager. A summary of the briefing note is contained at Appendix 4.



The key point being stressed to staff is that the placing of their service into the Medium or Low categories, rather than the high category, is no reflection on their individual abilities, commitment or efforts, but is a reflection of the Council's policy priorities and, at a time of limited resources, necessary financial strategy.

RECOMMENDED that this Committee

- 1 Approves and comments as appropriate on the revised 2004/05 budget and draft 2005/06 budget and notes the submission of these budgets to the Resources Committee, which has already taken place.
- 2 Approves and comments as appropriate on the elements of the draft Service Plan relating to this Committee's activities, and in particular the new spending pressures identified
- 3 Notes the prioritisation analysis contained in Appendix 3

Background Papers: Base Budget Working Papers, Service Plan notes of guidance, Prioritisation meetings files, reports to Resources Committee on 24 June and 23 September 2004

**Committee:** Development Control  
**Date:** 22<sup>nd</sup> November 2004  
**Agenda Item No:** 8  
**Title:** Quarterly report on Development Control performance  
**Author:** John Mitchell (01799) 510450

### **Summary**

- 1 As part of the move towards better performance management Members agreed to receive quarterly reports on speed of decision in Development Control. The attached graphs show quarterly performance for each of the three Best Value targets for speed of decision over the last three years. In addition the charts show the trajectories for performance improvement that are necessary to meet the Best Value targets by 2006/7, and performance in relation to those trajectories.
- 2 The trajectories start from the last quarter of the financial year 2003-4, and the start point represents the average of performance up to that point, rather than the actual performance in that quarter. Members will recall that the Council has to share these trajectories with GoEast. It will be noted that performance exceeds the trajectories in all three categories, and, in the case of major applications, exceeds the Best Value target. This follows the improvements in handling major applications by this Committee. The numbers of applications, and the percentage determined in accordance with the targets, are given on the attached table.

### **Background**

- 3 Since the Council received Keith Hill's letter substantial resources have been allocated to Planning services, including the creation of 5 new posts. Recruitment is under way. In addition the Development Control Committee has agreed to take a more strategic approach and has further agreed to a significant increase in delegation. Moreover the Council has agreed to set up a Strategic Development Advisory Group to feed into the corporate decision making process.
- 4 The Best Value Service Improvement Plan (BVSIP) has been reviewed and new systems for handling planning applications are being implemented. As a means of responding to the letter from Keith Hill regarding speed of decision we are currently, or have already:

- Re-engineering and implementing streamlined systems with clearer accountability and minimal “hand passing”, following a detailed review of current systems with full staff involvement
  - Implementing improved performance management processes
  - Improved the duty officer service to minimise the impact of interruptions on key personnel
  - Altered job descriptions of administrative/clerical staff to be more interchangeable and flexible
  - Identified key processing stages, time frames and targets for each type of application
  - Developed systems to capture all applications in the system and to track progress
  - Identified the work content of the various types of applications
  - Developing a master schedule to match forecast workload with resource requirements
  - Improving workload management to ensure we have correct capacity and a fair allocation of work
  - Commenced a review of succession planning to ensure clearer progression paths.
  - Commenced personal development planning to ensure absence of staff (eg on holiday or illness) is not a hindrance to service delivery
  - Commenced a management development programme to ensure we have the skills to maximise the potential of the new systems
  - Reviewed internal KPI’s to focus on early detection of slippage and quality issues
  - Introduced structured performance reviews
  - Commenced a culture change programme to improve performance orientation and focus
- 5 On top of this we are project planning the implementation of the reviewed BVSIP.
- 6 Staff are aware that there are problems in the speed of delivery of Development Control Services and are actively introducing major reforms to our processes which will ensure that we meet Best Value targets. The BVSIP demonstrates that the Council also focused on improving outcomes as well as processes. The Review Local Plan is closed to adoption. The Council considers planning to be a high priority and has put significant additional resources into the service overall, as well as setting up the Strategic Advisory Group. There is thus a strong corporate acknowledgement of, and support for, the role and function of Planning for the future of the District.
- 7 **Recommendation**
- That the report be noted

Background Papers: Reports to Environment Committee 8<sup>th</sup> June 2004, DC  
Committee 7<sup>th</sup> June 2004 and 20<sup>th</sup> September, Full  
Council 19<sup>th</sup> October 2004.