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| Report to | Planning applications committee | Item |
| | 29 October 2015 | |
| Report of | Head of planning service | 5 |
| Subject | Performance of the development management service; progress on appeals against planning decisions and planning enforcement action for quarter 2, 2015-16 (1 July to 30 September 2015) | |

Purpose

This report updates members on the performance of development management service; progress on appeals against planning decisions and planning enforcement action for the quarter covering the period 1 July to 30 September 2015.

Recommendation

To note the report.

Corporate and service priorities

The report helps to meet the corporate priority a safe and clean city.

Financial implications

There are no direct financial implications arising from this report.

Ward/s: All wards

Cabinet member: Councillor Bremner

Contact officers

Graham Nelson, head of planning services 01603 212530

Steve Fraser-Lim, Outer area team manager 01603 212507

Background documents

None

Report

Background

1. On 31 July 2008 the planning applications committee considered a report regarding the improved working of the committee which included a number of suggested changes to the way it operates. In particular it suggested performance of the development management service be reported to the committee and that feedback from members of the committee be obtained.
2. The committee has also asked to be informed on the outcome of appeals against planning decisions and enforcement action.

Performance of the development management service

3. The cabinet considers quarterly reports which measure the council's key performances against the council's corporate plan priorities. The scrutiny committee considers the council's performance data regularly throughout the year and will identify any areas of concern for review.
4. This report will only highlight trends or issues that should be brought to the attention of the planning applications committee for information.
5. Of all the decisions that are accounted for by the governments NI157 indicator, some 183 applications out of 200 were dealt with by officers (a delegation rate of 91.5 per cent) and 17 applications were dealt with by committee. This is relatively high in comparison with previous quarters. The range over the past eight quarters is between 83.5 and 92.7 per cent (the quarter before last being the lowest).

Appeals

6. There were 2 planning appeals pending or awaiting decision at the end of the quarter, both of which were lodged prior to the beginning of the quarter (420 Dereham Road and 1 The Moorings) and were committee decisions to refuse consent. Details are set out in appendix 1.
7. The Inspectorate has now issued a decision allowing the appeal for land and buildings on the north-east side of King Street on 24th July 2015. The appeal related to a member overturn of an officer recommendation to approve a revised solution for mooring provision at the site. The appeal was allowed with the inspectorate considering that the revised mooring scheme was an appropriate solution. The appeal decision was subject to a condition that the revised mooring scheme be implemented within three months of the date of the decision i.e. by 24 October 2015. Given the allowed appeal it would no longer be appropriate to serve an enforcement notice.
8. Two Inspectorate decisions have also been received dismissing appeals at 148 Magdalen Street and 263 Robin Hood Road. The Magdalen Street application was refused under delegated powers due to concerns with regard to the impact of the proposals upon the special architectural and historic interest of the adjacent listed building and surrounding conservation area. The Inspector considered the two proposed blocks of flats would fragment the curtilage of no.148 Magdalen Street and weaken the rear area of the sites association with the listed building. He stated that

the proposals would therefore intrude unacceptably upon the appreciation of the historic interest of the listed building and its setting, and would harm the character and appearance of the surrounding conservation area.

9. The Robin Hood Road application was refused under delegated powers due to concerns over the visual impact of the proposals upon the consistent and uniform character of the surrounding area. The Inspector agreed with the Council's reason for refusal and considered that the proposed extension would not be subservient to the main house, it would project forward of the front elevation and infill the gap to the side, thereby eroding the existing open character between buildings. As such the proposals were found to detract unduly from the character of the surrounding area.

Enforcement action

10. All items that have been referred to committee or where committee has required enforcement action to take place, since April 2013 are listed in appendix 4.

Planning Appeals Pending – Quarter 2 (Pending on 30 September 2015) 2015-16

| Application ref no | Planning Inspectorate ref no | Address | Proposal | Date appeal valid | Type of appeal | Decision |
|--|------------------------------|---|---|-------------------|----------------|----------|
| 15/00001/REF Application No. 14/00618/F | APP/G2625/W/15/3006563 | Vikings Venture Scout Hut Adjacent To 420 Dereham Road Norwich NR5 8QQ | Refusal of planning permission for erection of 8 No. two bedroom flats. | 14 April 2015 | Written reps. | Pending |
| 15/00003/REF Application No. 15/00225/F | APP/G2625/D/15/3067535 | 1 The Moorings, Norwich, NR3 3AX | Refusal of planning permission for erection of single-storey extension at first floor level to side elevation with balconies. | 15 July 2015 | Householder | Pending |
| 15/00004/ADVT Application No. 15/00461/A | APP/G2625/Z/15/3129449 | Units 4A, 3B And 3C Wherry Road, Norwich, NR1 1WZ | Refusal of advertisement consentfor display of 2 No. internally illuminated fascia sign and 1 No. internally illuminated projecting sign. | 4 August 2015 | Written reps. | Pending |

Appendix 1

| Application ref no | Planning Inspectorate ref no | Address | Proposal | Date appeal valid | Type of appeal | Decision |
|---|------------------------------|---|---|---------------------|----------------|----------|
| 15/00005/REF Application No. 14/01450/O | APP/G2625/W/15/3051157 | 16 & 17 The Hedgerows, Norwich, NR5 9BP | Refusal of planning permission for Outline application for erection of 1 No. bungalow | 9 September 2015 | Written Reps. | Pending |
| 15/00006/REF Application No. 15/00250/F | APP/G2625/W/15/3039136 | 2 Upton Close, Norwich, NR4 7PD | Refusal of planning permission for erection of detached dwelling. | 9 September 2015 | Written reps. | Pending |

Planning appeals allowed – Quarter 2 (01 July to 30 September 2015) 2015 -16

| Application ref no | Planning Inspectorate ref no | Address | Proposal | Date appeal valid | Type of appeal | Decision |
|--|------------------------------|---|--|-------------------|----------------|----------|
| 14/00006/REF Application no. 13/01540/VC | APP/G2625/A/14/2220356 | Land and buildings on the north east side of King Street, Norwich | Refusal to vary a condition for Variation of Condition 9 of planning permission (app. No. 04/00274/F) to "Within 3 months of the date of this decision moorings shall be provided in full accordance with drawings ..." Conversion of former flour mills and redevelopment of site to provide 160 residential apartments. | 20 June 2014 | Written reps. | Allowed |

Planning appeals dismissed – Quarter 2 (01 July to 30 September 2015) 2015-16

| Application ref no | Planning Inspectorate ref no | Address | Proposal | Date appeal valid | Type of appeal | Decision |
|---|---|---|--|-------------------|----------------|-----------|
| 14/00003/REF Application no. 13/01090/F and 14/00004/REF Application no. 13/01091/L | APP/G2625/A/14/2216867 and APP/G2625/A/14/2216869 | 148 Magdalen Street, Norwich,NR3 1JD | Refusal of planning permission and listed building consent for demolition of rear outbuildings and extension and construction of 4 no. two bedroom residential flats in two blocks. | 23 April 2014 | Written reps. | Dismissed |
| 15/00002/REF Application no. 15/00312/F | APP/G2625/D/15/3039178 | 263 Robin Hood Road, Norwich, NR4 6BY | Refusal of planning permission for first floor side and rear extension. | 7 July 2015 | Householder | Dismissed |

Enforcement action. Q2 2015-16 - Status report on all items previously reported to planning applications committee

| Case no. | Address | Development | Date referred to committee | Current status | Actions completed Yes/No* |
|----------------------|---|--|-----------------------------------|---|---------------------------|
| 13/00080/CO NSRV/ENF | 33 Grosvenor Road, Norwich | Replacement windows (Art. 4) | 25 July, 2013 | Planning permission for acceptable replacements was approved on 12 May 2015. The unauthorised UPVC windows have now been replaced the approved sash windows and therefore the enforcement case can be closed. | Yes |
| 12/01444/F | Norwich Family Life Church, Heartsease Lane, Norwich, NR7 9NT | Erection of new church building (Class D1) incorporating preschool, sports and community facilities. | 18 April 2013 12 Sept 2013 | <p>Indication at the time of the application was that portakabin buildings on site would be removed and temporary use of premises on Mason Road would cease following the part completion of a new church building. Members agreed a 15 month period from the date of the permission to allow this to happen. This expired at the end of 2014.</p> <p>A meeting was held with the church and they indicated that plans for redevelopment of the site are being reconsidered, as insufficient funds were available to deliver the previously approved scheme on the site. Documentation with planning enforcement.</p> | No |
| 10/01081/U | 4 - 6 Mason Road, Norwich, NR6 6RF | Change of use from general industrial to place of worship, non-residential education centre | 26 August 2010 | See above – temporary permission has expired and building is occupied without the benefit of planning permission. A meeting was held with the planning service and the submission of an application to extend the time period for temporary use of the site is expected within the next couple of months, once a programme for redevelopment of Heartsease Lane site is confirmed. | No |

Appendix 4

| Case no. | Address | Development | Date referred to committee | Current status | Actions completed Yes/No* |
|--|--|---|----------------------------|--|---------------------------|
| Planning ref 13/02087/VC and 13/02088/VC | Football ground area | River bank, landscaping, street trees, etc | 6 March, 2014 | Various compliance dates between August 2014 and August 2017. Various works are ongoing in the area and there are still some further works to be undertaken before green spaces department are satisfied. | No |
| 14/01660/F | 114 Cambridge St | First floor rear extension | 8 January, 2015 | Documents passed to enforcement staff. Appeal period has passed. The enforcement notice was served on 28 th September and requires compliance by 28 th October. | No |
| 14/01588/D and 12/01172/F | Airport | Engine testing | 8 January, 2015 | The engine testing pen has been completed and a first engine test with a Boeing 737 took place in September, which was monitored by Council Pollution Control officers. A final report is being prepared for the airport which will confirm noise results, and the facility will then become fully commissioned. | Yes |
| 13/00237/BPC /ENF | 9 Edward Jodrell Plain Norwich NR2 2TD | Change of use from residential (Class C3/C4) use to un-authorised house in multiple occupation (sui generis) use. | 11 June 2015 | Passed to enforcement who have drafted an enforcement notice which was served on 31 st July with a compliance date of 31 st August 2015. The property has now ceased to be occupied as an HMO and has reverted to C3/C4 use. | Yes |

*If the actions have been concluded a “yes” indicates that the item will be deleted from the next quarterly report. Items with ongoing actions (listed as “no”) will be re-reported next quarter.